# House of Representatives

General Assembly

**File No. 461**

*January Session, 2021*

Substitute House Bill No. 6321

*House of Representatives, April 15, 2021*

The Committee on Judiciary reported through REP. STAFSTROM of the 129th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

***AN ACT CONCERNING ADOPTION AND IMPLEMENTATION OF THE CONNECTICUT PARENTAGE ACT.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. (NEW) (*Effective January 1, 2022*) Sections 1 to 86, inclusive, of this act, may be cited as the Connecticut Parentage Act.

Sec. 2. (NEW) (*Effective January 1, 2022*) As used in sections 1 to 86, inclusive, of this act:

(1) "Acknowledged parent" means a person who has established a parent-child relationship under sections 24 to 35, inclusive, of this act.

(2) "Adjudicated parent" means a person who has been adjudicated to be a parent of a child by a court of competent jurisdiction.

(3) "Alleged genetic parent" means a person who is alleged to be, or alleges that the person is, a genetic parent or possible genetic parent of a child whose parentage has not been adjudicated. "Alleged genetic parent" includes an alleged genetic father and alleged genetic mother.

"Alleged genetic parent" shall not include:

(A) A presumed parent;

(B) A person whose parental rights have been terminated or declared not to exist; or

(C) A donor.

(4) "Assisted reproduction" means a method of causing pregnancy other than sexual intercourse. "Assisted reproduction" includes:

(A) Intrauterine, intracervical or vaginal insemination;

(B) Donation of gametes;

(C) Donation of embryos;

(D) In-vitro fertilization and transfer of embryos; and

(E) Intracytoplasmic sperm injection.

(5) "Birth" includes stillbirth.

(6) "Child" means a person of any age whose parentage may be determined under sections 1 to 86, inclusive, of this act.

(7) "Child support agency" means the Office of Child Support Services within the Department of Social Services, established pursuant to section 17b-179 of the general statutes, as amended by this act, and authorized to administer the child support program mandated by Title IV-D of the Social Security Act, 42 USC 651 et seq., as amended from time to time.

(8) "Determination of parentage" means establishment of a parent-child relationship by a court adjudication or signing of a valid acknowledgment of parentage under sections 24 to 35, inclusive, of this act.

(9) "Donor" means a person who provides a gamete or gametes or an

embryo or embryos intended for use in assisted reproduction, whether or not for consideration. "Donor" shall not include:

(A) A person who gives birth to a child conceived by assisted reproduction, except as provided in sections 60 to 77, inclusive, of this act; or (B) A parent under sections 51 to 59, inclusive, of this act, or an intended parent under sections 60 to 77, inclusive, of this act.

(10) "Gamete" means a sperm or egg and includes any part of a sperm or egg.

(11) "Embryo" means a cell or group of cells containing a diploid component of chromosomes or a group of such cells, not including a gamete, that has the potential to develop into a live human being if transferred into the body of a person under conditions in which gestation may be reasonably expected to occur.

(12) "Genetic testing" means an analysis of genetic markers to identify or exclude a genetic relationship.

(13) "Intended parent" means a person, married or unmarried, who manifests an intent to be legally bound as a parent of a child conceived by assisted reproduction.

(14) "Parent" means a person who has established a parent-child relationship under section 19 of this act.

(15) "Parentage" or "parent-child relationship" means the legal relationship between a child and a parent of the child.

(16) "Person" means a natural person of any age.

(17) "Presumed parent" means a person who under section 36 of this act is presumed to be a parent of a child, unless the presumption is overcome in a judicial proceeding.

(18) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(19) "Sign" means, with present intent to authenticate or adopt a record:

(A) To execute or adopt a tangible symbol; or

(B) To attach to or logically associate with the record an electronic symbol, sound or process.

(20) "Signatory" means a person who signs a record.

(21) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands or any territory or insular possession under the jurisdiction of the United States. "State" includes a federally recognized Indian tribe.

(22) "Transfer" means a procedure for assisted reproduction by which an embryo or sperm is placed in the body of the person who will give birth to the child.

(23) "Witnessed" means that at least one person who is authorized to sign has signed a record to verify that the person personally observed a signatory sign the record.

Sec. 3. (NEW) (*Effective January 1, 2022*) (a) Sections 1 to 86, inclusive, of this act apply to a determination of parentage.

(b) Sections 1 to 86, inclusive, of this act do not create, affect, enlarge or diminish the equitable powers of the courts of this state or parental rights or duties under the law of this state other than this act.

Sec. 4. (NEW) (*Effective January 1, 2022*) The court shall apply the law of this state to determine parentage. The applicable law shall not depend on: (1) The place of birth of the child; or (2) the past or present residence of the child.

Sec. 5. (NEW) (*Effective January 1, 2022*) (a) Petitions to adjudicate parentage shall be filed in the Family Division of the Superior Court, except that: (1) Petitions by an alleged genetic parent seeking to establish the alleged genetic parent's parentage pursuant to section 46b-172a of

the general statutes, as amended by this act, shall be filed in the Probate Court; (2) petitions to determine parentage after the death of the child or the person whose parentage is to be determined shall be filed in the Probate Court; (3) petitions for parentage orders under sections 59, 70 and 74 of this act, as well as petitions to validate a genetic surrogacy agreement under sections 72 and 75 of this act, shall be filed in the Probate Court; and (4) petitions by the IV-D agencies, in IV-D cases, as defined in section 46b-231 of the general statutes, as amended by this act, and in petitions brought under sections 46b-301 to 46b-425, inclusive, of the general statutes, shall be filed with the clerk for the Family Support Magistrate Division.

(b) If the petition is filed by the Office of Child Support Services of the Department of Social Services, the petition shall be accompanied by an affidavit of the parent whose rights have been assigned. In cases where the assignor refuses to provide an affidavit, the affidavit may be submitted by the Office of Child Support Services, provided the affidavit alone shall not support a default judgment on the issue of parentage.

(c) There shall be no right to a jury trial in an action to adjudicate parentage.

(d) A petition filed in the Superior Court or the Family Support Magistrate Court to adjudicate parentage may be brought any time prior to the child's eighteenth birthday, provided liability for support of such child shall be limited to the three years next preceding the date of the filing of any such petition.

Sec. 6. (NEW) (*Effective January 1, 2022*) Subject to the provisions of sections 1 to 86, inclusive, of this act, a proceeding to adjudicate parentage may be maintained by: (1) The child, if the child is eighteen years of age or older or, if the child is a minor, through a representative of the child; (2) the person who gave birth to the child, unless a court has adjudicated that such person is not a parent; (3) a person who is a parent of the child under sections 1 to 86, inclusive, of this act; (4) a person who seeks to be adjudicated a parent under the provisions of

sections 1 to 86, inclusive, of this act; (5) the Department of Social Services or the town welfare administrator; (6) the Department of Children and Families; (7) a person deemed by the court to have a sufficient interest to file a claim for parentage on behalf of a deceased parent; or (8) a representative authorized by the law of this state, other than sections 1 to 86, inclusive, of this act, to act for a person who otherwise would be entitled to maintain a proceeding but is deceased, incapacitated or a minor.

Sec. 7. (NEW) (*Effective January 1, 2022*) (a) Notice of a proceeding to adjudicate parentage shall be given, by the petitioner for proceedings in the Superior Court and by the Court for proceedings in the Probate Court, to the following persons: (1) The person who gave birth to the child, unless a court has adjudicated that such person is not a parent; (2) a presumed, acknowledged or adjudicated parent of the child; (3) a person whose parentage of the child is to be adjudicated; (4) a representative authorized by the law of this state to act for a person who otherwise would be entitled to maintain a proceeding but is deceased, incapacitated or a minor; (5) the fiduciary of an estate of deceased persons otherwise entitled to notice; (6) in proceedings involving a public assistance recipient, the Attorney General, who shall be and remain a party to any parentage proceeding and to any proceedings after judgment in such action; and (7) the Commissioner of Children and Families, in proceedings involving a child for whom a petition has been filed pursuant to section 46b-129 of the general statutes, as amended by this act, and who is under the care and custody or guardianship of the Department of Children and Families.

(b) A person entitled to notice under subsection (a) of this section has a right to intervene in the proceeding.

(c) Failure to provide notice in accordance with subsection (a) of this section shall not render a judgment void. Failure to provide notice in accordance with subsection (a) of this section shall not preclude a person entitled to notice under said subsection from bringing a proceeding under sections 1 to 86, inclusive, of this act.

Sec. 8. (NEW) (*Effective January 1, 2022*) (a) A court may adjudicate a person's parentage of a child only if the court has personal jurisdiction over that person.

(b) A court of this state with jurisdiction to adjudicate parentage may exercise personal jurisdiction over a nonresident person, or the guardian or conservator of the person consistent with the laws of this state.

Sec. 9. (NEW) (*Effective January 1, 2022*) (a) Except as provided in subsections (b) to (d), inclusive, of this section, venue for a proceeding to adjudicate parentage is in the judicial district in which:

(1) The child resides; or

(2) If the child shall not reside in this state, the petitioner or respondent resides.

(b) In actions filed in the Probate Court by an alleged genetic parent seeking to establish the alleged genetic parent's parentage, the petition shall be filed in the probate district where the child or birth parent resides.

(c) In actions filed in the Probate Court to determine parentage after the death of the child or the person whose parentage is to be determined, the petition shall be filed in the probate district where the child, petitioner, or person whose parentage is to be determined resides or resided at the time of death.

(d) In actions filed in the Probate Court by persons seeking parentage orders under sections 59, 70 and 74 of this act, or by persons seeking to validate a genetic surrogacy agreement under sections 72 and 75 of this act, the petition shall be filed in the probate district where the child or a party to the proceeding resides.

(e) In IV-D cases, as defined in section 46b-231 of the general statutes, as amended by this act, and in petitions brought under sections 46b-301 to 46b-425, inclusive, of the general statutes, venue for a proceeding to adjudicate parentage is in the Family Support Magistrate Division

serving the judicial district where the parent who gave birth or the alleged parent resides.

Sec. 10. (NEW) (*Effective January 1, 2022*) (a) In a proceeding under sections 1 to 86, inclusive, of this act, a court may issue a temporary order for child support if the order is consistent with the law of this state other than the provisions of sections 1 to 86, inclusive, of this act, and the person ordered to pay support is: (1) A presumed parent of the child; (2) petitioning to be adjudicated a parent; (3) identified as a genetic parent through genetic testing under section 47 of this act; (4) an alleged genetic parent who has declined to submit to genetic testing; (5) shown by clear and convincing evidence to be a parent of the child; or (6) a parent under sections 1 to 86, inclusive, of this act.

(b) A temporary order may include a provision for custody and visitation under the law of this state other than the provisions of sections 1 to 86, inclusive, of this act.

Sec. 11. (NEW) (*Effective January 1, 2022*) Except as provided in sections 46b-129, 46b-129a and 46b-172a of the general statutes, as amended by this act, a minor child is a permissive party but not a necessary party to a proceeding under sections 1 to 86, inclusive, of this act.

Sec. 12. (NEW) (*Effective January 1, 2022*) (a) For proceedings in the Superior Court on family relations matters as described in section 46b-1 of the general statutes, there shall be a presumption that courtroom proceedings shall be open to the public and that documents filed with the court shall be available to the public. Closure of the courtroom in family relations matters and the sealing of files and limited disclosure of documents in family relations matters shall be in accordance with the requirements prescribed in the Connecticut Practice Book.

(b) For proceedings in Juvenile Court, access to records is governed by section 46b-124 of the general statutes.

(c) For proceedings in the Probate Court, members of the public may

observe proceedings and may view court records, unless otherwise provided by law or directed by the court.

Sec. 13. (NEW) (*Effective January 1, 2022*) The court may dismiss a proceeding under sections 1 to 86, inclusive, of this act for want of prosecution only without prejudice. An order of dismissal for want of prosecution purportedly with prejudice is void and has only the effect of a dismissal without prejudice.

Sec. 14. (NEW) (*Effective January 1, 2022*) (a) An order adjudicating parentage shall identify the child in a manner provided by the law of this state other than sections 1 to 86, inclusive, of this act.

(b) Except as provided in subsection (c) of this section, the court may assess filing fees, reasonable attorney's fees, fees for genetic testing, other costs and necessary travel and other reasonable expenses incurred in a proceeding under sections 1 to 86, inclusive, of this act. Attorney's fees awarded under this subsection may be paid directly to the attorney, and the attorney may enforce the order in the attorney's own name.

(c) The court may not assess fees, costs or expenses in a proceeding under sections 1 to 86, inclusive, of this act against a child support agency of this state or another state, except as provided by the law of this state other than sections 1 to 86, inclusive, of this act.

(d) In a proceeding under sections 1 to 86, inclusive, of this act, a copy of a bill for genetic testing or prenatal or postnatal health care for the person who gave birth to the child or for the child, provided to the adverse party not later than ten days before the date of a hearing, is admissible to establish: (1) The amount of the charge billed; and (2) that the charge is reasonable and necessary.

Sec. 15. (NEW) (*Effective January 1, 2022*) On request of a party and for good cause, the court in a proceeding under sections 1 to 86, inclusive, of this act may order the name of the child changed. If the court order changing the child's name varies from the name on the child's birth certificate, the court shall order the Department of Public Health to issue

an amended birth certificate.

Sec. 16. (NEW) (*Effective January 1, 2022*) (a) A party to an adjudication of parentage by a court acting under circumstances that satisfy the jurisdiction requirements of the applicable laws of this state, including the provisions of this act, and any person who received notice of the proceeding are bound by the adjudication.

(b) In a proceeding for dissolution of marriage, annulment or legal separation, the court is deemed to have made an adjudication of parentage of a child if the court acts under circumstances that satisfy the jurisdictional requirements of the applicable laws of this state, including the provisions of this act, and the final order: (1) Expressly identifies the child as a "child of the marriage" or "issue of the marriage" or includes similar words indicating that both spouses are parents of the child; or (2) provides for support of the child by a spouse unless that spouse's parentage is disclaimed specifically in the order.

(c) A determination of parentage may be asserted as a defense in a subsequent proceeding seeking to adjudicate parentage of a person who was not a party to the earlier proceeding.

(d) A party to an adjudication of parentage may challenge the adjudication only under the law of this state other than the provisions of sections 1 to 86, inclusive, of this act relating to appeal, opening or setting aside judgments or other judicial review.

Sec. 17. (NEW) (*Effective January 1, 2022*) (a) If a child has an adjudicated parent, a proceeding to challenge the adjudication, brought by a person who was a party to the adjudication or received notice under section 7 of this act, is governed by the Connecticut Practice Book and other provisions of the general statutes concerning the opening or setting aside of judgments.

(b) If a child has an adjudicated parent, the following rules apply to a proceeding to challenge the adjudication of parentage brought by a person, other than the child, who has standing under section 6 of this

act and was not a party to the adjudication and did not receive notice under section 7 of this act:

(1) The person shall commence the proceeding not later than two years after the effective date of the adjudication, unless the person did not know and could not reasonably have known of the person's potential parentage due to a material misrepresentation or concealment, in which case the proceeding shall be commenced not later than one year after the date of discovery of the person's potential parentage.

(2) The court may permit the proceeding only if the court finds permitting the proceeding is in the best interest of the child.

(3) If the court permits the proceeding, the court shall adjudicate parentage under section 23 of this act.

Sec. 18. (NEW) (*Effective January 1, 2022*) A proceeding under sections 1 to 86, inclusive, of this act is subject to the law of this state other than said sections, which govern the health, safety, privacy and liberty of a child or other person who could be affected by disclosure of information that could identify the child or other person, including address, telephone number, digital contact information, place of employment, Social Security number and the child's day care facility or school.

Sec. 19. (NEW) (*Effective January 1, 2022*) A parent-child relationship is established between a person and a child if:

(1) The person gives birth to the child, except as otherwise provided in sections 60 to 77, inclusive, of this act;

(2) There is a presumption under subdivision (1) or (2) of subsection (a) of section 36 of this act of the person's parentage of the child, unless the presumption is overcome in a judicial proceeding;

(3) There is a presumption under subdivision (3) of subsection (a) of section 36 of this act, and the person is adjudicated a parent of the child or acknowledges parentage of the child under sections 24 to 35, inclusive, of this act;

(4) The person is adjudicated a parent of the child under section 38 of this act;

(5) The person is adjudicated a parent of the child under sections 40 to 50, inclusive, of this act;

(6) The person adopts the child;

(7) The person acknowledges parentage of the child under sections 24 to 35, inclusive, of this act, unless the acknowledgment is rescinded under section 30 of this act or successfully challenged under section 31 of this act;

(8) The person's parentage of the child is established under sections 51 to 59, inclusive, of this act;

(9) The person's parentage of the child is established under sections 60 to 77, inclusive, of this act; or

(10) The court is deemed to have made an adjudication of parentage pursuant to subsection (b) of section 16 of this act.

Sec. 20. (NEW) (*Effective January 1, 2022*) A parent-child relationship extends equally to every child and parent, regardless of the marital status or gender of the parent or the circumstances of the birth of the child.

Sec. 21. (NEW) (*Effective January 1, 2022*) Unless parental rights are terminated, a parent-child relationship established under sections 1 to 86, inclusive, of this act applies for all purposes.

Sec. 22. (NEW) (*Effective January 1, 2022*) To the extent practicable, a provision of sections 1 to 86, inclusive, of this act applicable to a father-child relationship or applicable to a mother-child relationship shall apply to any parent-child relationship, regardless of the gender of the parent.

Sec. 23. (NEW) (*Effective January 1, 2022*) (a) Except as provided in this act, in a proceeding to adjudicate competing claims of parentage of a

child by two or more persons, the court shall adjudicate parentage in the best interest of the child, based on:

(1) The age of the child;

(2) The length of time during which each person assumed the role of parent of the child;

(3) The nature of the relationship between the child and each person;

(4) The harm to the child if the relationship between the child and each person is not recognized;

(5) The basis for each person's claim to parentage of the child;

(6) Other equitable factors arising from the disruption of the relationship between the child and each person, or the likelihood of other harm to the child; and

(7) Any other factor the court deems relevant to the child's best interests.

(b) If a person challenges parentage based on the results of genetic testing, in addition to the factors listed in subsection (a) of this section, the court shall consider:

(1) The facts surrounding the discovery that the person might not be a genetic parent of the child; and

(2) The length of time between the time that the person was placed on notice that the person might not be a genetic parent and the commencement of the proceeding.

(c) The court may adjudicate a child to have more than two parents under sections 1 to 86, inclusive, of this act if the court finds that failure to recognize more than two parents would be detrimental to the child. A finding of detriment to the child shall not require a finding of unfitness of any parent or person seeking an adjudication of parentage. In determining detriment to the child, the court shall consider all

relevant factors, including the harm if the child is removed from a stable placement with a person who has fulfilled the child's physical needs and psychological needs for care and affection and has assumed the role for a substantial period.

(d) If a court has adjudicated a child to have more than two parents under sections 1 to 86, inclusive, of this act, the law of this state other than this act applies to determinations of legal and physical custody of, or visitation with, such child, and to obligations to support such child. The child support guidelines established pursuant to section 46b-215 of the general statutes shall not apply until such guidelines have been revised to address the circumstances when a child has more than two parents, and until such revision is effective, a court of competent jurisdiction shall consider the child support guidelines and the criteria for such awards established in sections 46b-84 of the general statutes, 46b-86 of the general statutes, 46b-130 of the general statutes, 46b-171 of the general statutes, as amended by this act, 46b-172 of the general statutes, as amended by this act, 46b-215 of the general statutes, as amended by this act, 17b-179 of the general statutes, and 17b-745 of the general statutes in making or modifying orders of support of the child.

Sec. 24. (NEW) (*Effective January 1, 2022*) A person who gave birth to a child and an alleged genetic parent of the child, a presumed parent under section 36 of this act, or an intended parent under sections 51 to 59, inclusive, of this act may sign an acknowledgment of parentage to establish the parentage of the child.

Sec. 25. (NEW) (*Effective January 1, 2022*) (a) An acknowledgment of parentage under section 24 of this act shall:

(1) Be in a record signed by the person who gave birth to the child and by the person seeking to establish a parent-child relationship, and the signatures shall be attested by a notarial officer or witnessed;

(2) State that the child whose parentage is being acknowledged shall not have another acknowledged or adjudicated parent or person who is a parent of the child under sections 51 to 77, inclusive, of this act other

than the person who gave birth to the child;

(3) State that the child whose parentage is being acknowledged shall not, at the time of signing, have a birth certificate identifying as a parent a person other than the person who gave birth to the child or the person acknowledging parentage;

(4) State that no action is pending in which the child's parentage is at issue, unless all parties to the action agree to the establishment of the signatory's parentage pursuant to the acknowledgment; and

(5) State that the signatories understand that the acknowledgment is the equivalent of an adjudication of parentage of the child and that a challenge to the acknowledgment is permitted only under limited circumstances.

(b) An acknowledgment of parentage shall not be binding unless, prior to the signing of any acknowledgment of parentage, the signatories are given oral and written notice of the alternatives to, the legal consequences of, and the rights and responsibilities that arise from signing such acknowledgment.

(1) The notice to both signatories shall explain:

(A) The right to rescind the acknowledgment, as set forth in section 31 of this act, including the address where such notice of rescission should be sent;

(B) That the acknowledgment cannot be challenged after sixty days, except in court or before a family support magistrate upon a showing of fraud, duress or material mistake of fact;

(C) That the acknowledgment of parentage may result in rights of custody and visitation for the acknowledged parent, as well as a duty of financial support from the acknowledged parent; and

(D) That, if the person acknowledging parentage is acknowledging that they are the child's genetic parent, genetic testing is available to

establish parentage with a high degree of accuracy and, under certain circumstances, at state expense; and if either person is not certain of the child's genetic parentage as it pertains to the acknowledgment of parentage, neither person should sign the form.

(2) The notice to the person acknowledging parentage shall include, but not be limited to:

(A) Notice that the person will be liable for the child's financial and medical support at least until the child's eighteenth birthday; that such support shall be enforced by income withholding; and that failure to provide such support could result in a civil or criminal court proceeding being brought against the person.

(B) Notice that, if the person acknowledging parentage is acknowledging that they are the child's genetic parent, that person has the right to contest parentage, including the right to appointment of counsel, a genetic test to determine parentage and a trial by the Superior Court or a family support magistrate.

(c) An acknowledgment of parentage is void if, at the time of signing:

(1) A person, other than the person who gave birth to the child or the person seeking to establish parentage, is an acknowledged or adjudicated parent or a parent under sections 51 to 77, inclusive, of this act;

(2) The child whose parentage is being acknowledged has a birth certificate identifying as a parent a person other than the person who gave birth to the child or the person acknowledging parentage; or

(3) An action is pending in which the child's parentage is at issue, unless all parties to the action agree to the establishment of the signatory's parentage pursuant to the acknowledgment.

Sec. 26. (NEW) (*Effective January 1, 2022*) (a) An acknowledgment of parentage may be signed before or after the birth of the child, except that an acknowledgment signed by a presumed parent under subdivision (3)

of subsection (a) of section 36 of this act may be signed only after the presumption is satisfied.

(b) An acknowledgment of parentage takes effect on the birth of the child or filing of the document with the Department of Public Health, whichever occurs later.

(c) An acknowledgment of parentage signed by a minor is valid if the acknowledgment complies with the provisions of sections 1 to 86, inclusive, of this act.

Sec. 27. (NEW) (*Effective January 1, 2022*) Except as provided in section 31 of this act, an acknowledgment of parentage that complies with sections 24 to 35, inclusive, of this act and is filed with the Department of Public Health is equivalent to an adjudication by the Superior Court of parentage of the child and confers on the acknowledged parent all rights and duties of a parent.

Sec. 28. (NEW) (*Effective January 1, 2022*) The Department of Public Health may not charge a fee for filing an acknowledgment of parentage.

Sec. 29. (NEW) (*Effective January 1, 2022*) A court conducting a judicial proceeding or an administrative agency conducting an administrative proceeding is not required or permitted to ratify an unchallenged acknowledgment of parentage.

Sec. 30. (NEW) (*Effective January 1, 2022*) (a) A signatory may rescind an acknowledgment of parentage by filing with the Department of Public Health a rescission in a signed record that is attested by a notarial officer or witnessed, before the earlier of:

(1) Sixty days after the effective date under section 26 of this act of the acknowledgment; or

(2) The date of the first hearing before a court in a proceeding, to which the signatory is a party, to adjudicate an issue relating to the child, including a proceeding that establishes support.

(b) If an acknowledgment of parentage is rescinded under subsection (a) of this section, the Department of Public Health shall notify the person who gave birth to the child that the acknowledgment has been rescinded. Failure to give the notice required by this subsection shall not affect the validity of the rescission.

Sec. 31. (NEW) (*Effective January 1, 2022*) (a) After the period for rescission under section 30 of this act expires, an acknowledgment of parentage may be challenged only on the basis of fraud, duress or material mistake of fact which, in cases in which the acknowledgment has been signed by the birth parent and an alleged genetic parent, may include evidence that the alleged genetic parent is not the genetic parent. A party challenging an acknowledgment of parentage has the burden of proof.

(b) Every signatory to an acknowledgment of parentage shall be made a party to a proceeding to challenge the acknowledgment.

(c) By signing an acknowledgment of parentage, a signatory submits to personal jurisdiction in this state in a proceeding to challenge the acknowledgment, effective on the filing of the acknowledgment with the Department of Public Health.

(d) During the pendency of a challenge to the acknowledgment of parentage, any responsibilities, including the duty to pay child support, arising from the acknowledgment shall continue except for good cause shown.

(e) If the court or family support magistrate determines that the challenger has met the challenger's burden of proof under subsection (a) of this section, the acknowledgment of parentage shall be set aside only if such court or family support magistrate determines that doing so is in the best interest of the child, based on the relevant factors set forth in section 23 of this act.

(f) If the court or family support magistrate determines that the requirements of subsections (a) and (e) of this section are satisfied, the

court or family support magistrate shall order the Department of Public Health to amend the birth record of the child to reflect the legal parentage of the child.

(g) In cases involving a child who is or has been supported by the state, whenever the court or family support magistrate finds that the person challenging the acknowledgment of parentage is not a parent because such person has met the burden of proof under subsections (a) and (e) of this section, the Department of Social Services shall refund to such person any money paid by such person to the state during any period such child was supported by the state.

Sec. 32. (NEW) (*Effective January 1, 2022*) This state shall give full faith and credit to an acknowledgment of parentage effective in another state if the acknowledgment was in a signed record and otherwise complies with the law of the other state.

Sec. 33. (NEW) (*Effective January 1, 2022*) (a) The Department of Public Health shall prescribe forms for an acknowledgment of parentage. Such forms shall include the minimum requirements specified by the Secretary of the United States Department of Health and Human Services, contained in 45 CFR 303.5, as amended from time to time, and shall be in compliance with the provisions of this act. Any acknowledgment or rescission executed in accordance with this subsection shall be filed in the parentage registry established and maintained by the Department of Public Health under section 19a-42a of the general statutes, as amended by this act.

(b) A valid acknowledgment of parentage is not affected by a later modification of the form under subsection (a) of this section.

Sec. 34. (NEW) (*Effective January 1, 2022*) The Department of Public Health may release information relating to an acknowledgment of parentage to a signatory of the acknowledgment, the child if such child is eighteen years of age or older, a guardian of the person whose parentage is acknowledged, an attorney representing a person to whom such information may be released, a court, a federal agency, an

authorized representative of the Department of Social Services, the child support agency of this state, any agency acting under a cooperative or purchase of service agreement with the child support agency of this state, and the child support agency of another state.

Sec. 35. (NEW) (*Effective January 1, 2022*) The Commissioner of Public Health may adopt regulations in accordance with the provisions of chapter 54 of the general statutes to implement the provisions of sections 24 to 34, inclusive, of this act.

Sec. 36. (NEW) (*Effective January 1, 2022*) (a) Except as otherwise provided in sections 1 to 86, inclusive, of this act, a person is presumed to be a parent of a child if:

(1) The person and the person who gave birth to the child are married to each other and the child is born during the marriage, whether the marriage is or could be declared invalid;

(2) The person and the person who gave birth to the child were married to each other and the child is born not later than three hundred days after the date on which the marriage is terminated by death, dissolution or annulment, or after a decree of separation; or

(3) The person, jointly with another parent, resided in the same household with the child and openly held out the child as the person's own child from the time the child was born or adopted and for a period of at least two years thereafter, including any period of temporary absence.

(b) The parentage of a presumed parent under subdivision (3) of subsection (a) of this section shall be established by a court adjudication or signing of a valid acknowledgment of parentage under sections 24 to 35, inclusive, of this act.

(c) A presumption of parentage under this section may be overcome only by court order under section 37 of this act, and competing claims to parentage shall be resolved under section 23 of this act.

(d) In a proceeding pending before the Probate Court brought under sections 45a-603 to 45a-622, inclusive, of the general statutes, and sections 45a-715 to 45a-717, inclusive, of the general statutes, if notice is given to a presumed parent under this section and such presumed parent's parentage has not been established by a court adjudication or signing of a valid acknowledgment of parentage under sections 24 to 35, inclusive, of this act, the Probate Court shall have jurisdiction over the presumed parent's parentage determination.

(e) In a proceeding pending before the civil session of the superior court for juvenile matters, regarding a child for whom a petition under section 46b-129 of the general statutes has been filed, a presumed parent under subdivision (3) of subsection (a) of this section, identified as such by an existing parent or by the child and not having established parentage by a court adjudication or signing of a valid acknowledgment of parentage under sections 24 to 35, inclusive, of this act, shall be given notice of the proceeding, but shall not be treated as a parent until the signing of a valid acknowledgment of parentage under sections 24 to 35, inclusive, of this act, or a court adjudication that the person is a parent. The juvenile court in which the petition under section 46b-129 of the general statutes is pending shall have jurisdiction over such person's parentage determination and the Department of Children and Families shall have standing to request such parentage determination.

Sec. 37. (NEW) (*Effective January 1, 2022*) (a) A proceeding to determine whether a presumed parent is a parent of a child may be commenced: (1) Before the child reaches eighteen years of age; or (2) after the child reaches eighteen years of age, but only if the child initiates the proceeding.

(b) Except as provided in subsection (e) of this section, a presumption of parentage under section 36 of this act cannot be overcome after the child attains two years of age unless the court determines:

(1) The presumed parent is not a genetic parent, never resided with the child, and never held out the child as the presumed parent's child; or

(2) The child has more than one presumed parent; or

(3) The alleged genetic parent did not know of the potential genetic parentage of the child and could not reasonably have known on account of material misrepresentation or concealment, and the alleged genetic parent commences a proceeding to challenge a presumption of parentage under section 36 of this act not later than one year after the date of discovering the potential genetic parentage. If the person is adjudicated to be the genetic parent of the child, the court may not disestablish a presumed parent.

(c) The following rules apply in a proceeding to adjudicate a presumed parent's parentage of a child if the person who gave birth to the child is the only other person with a claim to parentage of the child:

(1) If no party to the proceeding challenges the presumed parent's parentage of the child, the court shall adjudicate the presumed parent to be a parent of the child.

(2) If the presumed parent is identified under section 45 of this act as a genetic parent of the child and that identification is not successfully challenged under said section, the court shall adjudicate the presumed parent to be a parent of the child.

(3) If the presumed parent is not identified under section 45 of this act as a genetic parent of the child and the presumed parent or the person who gave birth to the child challenges the presumed parent's parentage of the child, the court shall adjudicate the parentage of the child in the best interest of the child based on the factors under subsections (a) and (b) of section 23 of this act.

(d) Subject to the limitations set forth in this section and section 36 of this act, if in a proceeding to adjudicate a presumed parent's parentage of a child, another person in addition to the person who gave birth to the child asserts a claim to parentage of the child, the court shall adjudicate parentage under section 23 of this act.

(e) A presumption of parentage under subdivision (3) of subsection

(a) of section 36 of this act, can be challenged if such other parent openly held out the child as the presumed parent's child due to duress, coercion or threat of harm. Evidence of duress, coercion or threat of harm may include: (1) Whether within the ten-year period preceding the date of the proceeding, the presumed parent: (A) Has been convicted of domestic assault, sexual assault or sexual exploitation of the child or a parent of the child; (B) has been convicted of a family violence crime, as defined in section 46b-38a of the general statutes; (C) is or has been subject to an order of protection pursuant to sections 46b-15, 46b-16a, 46b-38c, or 54-1k of the general statutes; (D) was found to have committed abuse against the child or a parent of the child; or (E) was substantiated for abuse against the child or a parent of the child; (2) a sworn affidavit from a domestic violence counselor or sexual assault counselor, as defined in section 52-146k of the general statutes, provided the person who had confidential communications with the domestic violence counselor or sexual assault counselor has waived the privilege, in which case disclosure shall be made pursuant to section 52-146k of the general statutes; or (3) other credible evidence of abuse against the parent of the child or the child, including, but not limited to, the parent's or child's sworn affidavit or an affidavit from a social service provider, health care provider, clergy person, attorney, or other professional from whom the parent or child sought assistance regarding the abuse.

Sec. 38. (NEW) (*Effective July 1, 2022*) (a) In a proceeding to adjudicate parentage of a person who claims to be a de facto parent of the child, if there is only one other person who is a parent or has a claim to parentage of the child, the court shall adjudicate the person who claims to be a de facto parent to be a parent of the child if the person demonstrates by clear and convincing evidence that:

(1) The person resided with the child as a regular member of the child's household for at least one year, unless the court finds good cause to accept a shorter period of residence as a regular member of the child's household;

(2) The person engaged in consistent caretaking of the child which

may include regularly caring for the child's needs and making day-to-day decisions regarding the child individually or cooperatively with another legal parent;

(3) The person undertook full and permanent responsibilities of a parent of the child without expectation of financial compensation;

(4) The person held out the child as the person's child;

(5) The person established a bonded and dependent relationship with the child that is parental in nature;

(6) Another parent of the child fostered or supported the bonded and dependent relationship required under subdivision (5) of this subsection; and

(7) Continuing the relationship between the person and the child is in the best interest of the child.

(b) A parent of the child may use evidence of duress, coercion or threat of harm to contest an allegation that the parent fostered or supported a bonded and dependent relationship as described in subdivision (6) of subsection (a) of this section. Such evidence may include: (1) Whether within a ten-year period preceding the date of the proceeding, the person seeking to be adjudicated a de facto parent: (A) Has been convicted of domestic assault, sexual assault or sexual exploitation of the child or a parent of the child; (B) has been convicted of a family violence crime, as defined in section 46b-38a of the general statutes; (C) is or has been subject to an order of protection pursuant to sections 46b-15, 46b-16a, 46b-38c, or 54-1k of the general statutes; (D) was found to have committed abuse against the child or a parent of the child; or (E) was substantiated for abuse against the child or a parent of the child; (2) a sworn affidavit from a domestic violence counselor or sexual assault counselor, as defined in section 52-146k of the general statutes, provided the person who had confidential communications with the domestic violence counselor or sexual assault counselor has waived the privilege, in which case disclosure shall be made pursuant

to section 52-146k of the general statutes; or (3) other credible evidence of abuse against the parent of the child or the child, including, but not limited to, the parent's or child's sworn affidavit or an affidavit from a social service provider, health care provider, clergy person, attorney, or other professional from whom the parent or child sought assistance regarding the abuse.

(c) Subject to other limitations set forth in this section and section 39 of this act, if, in a proceeding to adjudicate parentage of a person who claims to be a de facto parent of the child, there is more than one other person who is a parent or has a claim to parentage of the child and the court determines that the requirements of subsection (a) of this section are satisfied, the court shall adjudicate parentage under section 23 of this act, provided the adjudication of a person as a de facto parent under this section shall not disestablish the parentage of any other parent, nor limit any other parent's rights under the laws of this state.

Sec. 39. (NEW) (*Effective July 1, 2022*) (a) A proceeding to establish parentage of a child under this section may be commenced only by a person who: (1) Is alive when the proceeding is commenced; and (2) claims to be a de facto parent of the child.

(b) A person seeking to be adjudicated a de facto parent of a child shall file a petition with the court before the child reaches eighteen years of age. The child is required to be alive at the time of the filing. The petition shall include a verified affidavit alleging facts to support the existence of a de facto parent relationship with the child. The petition and affidavit shall be served on all parents and legal guardians of the child and any other party to the proceeding.

(c) An adverse party, parent or legal guardian may file a pleading and verified affidavit in response to the petition that shall be served on all parties to the proceeding.

(d) The court shall determine on the basis of the pleadings and affidavits whether the person seeking to be adjudicated a de facto parent has presented prima facie evidence of the criteria for de facto parentage

as provided in subsection (a) of section 38 of this act and, therefore, has standing to proceed with a parentage action. The court, in its sole discretion, may hold a hearing to determine disputed facts that are necessary and material to the issue of standing.

(e) If the child for whom the person is seeking to be adjudicated a de facto parent has two parents at the time the petition is filed and there is litigation pending between the parents at the time the petition is filed regarding custody or visitation with respect to the child, a parent may use evidence that the de facto parent action is being brought to interfere improperly in the pending litigation in order to show that allowing the action to proceed would not be in the child's best interests. Based on such evidence, the court may determine that allowing the de facto parent petition to proceed would not be in the best interests of the child and may dismiss the petition without prejudice.

(f) The court may enter an interim order concerning contact between the child and a person with standing seeking adjudication under this section and section 38 of this act as a de facto parent of the child.

Sec. 40. (NEW) (*Effective January 1, 2022*) As used in sections 40 to 50, inclusive, of this act:

(1) "Combined relationship index" means the product of all tested relationship indices.

(2) "Ethnic or racial group" means, for the purpose of genetic testing, a recognized group that a person identifies as the person's ancestry or part of the ancestry or that is identified by other information.

(3) "Hypothesized genetic relationship" means an asserted genetic relationship between a person and a child.

(4) "Probability of parentage" means, for the ethnic or racial group to which a person alleged to be a parent belongs, the probability that a hypothesized genetic relationship is supported, compared to the probability that a genetic relationship is supported between the child and a random person of the ethnic or racial group used in the

hypothesized genetic relationship, expressed as a percentage incorporating the combined relationship index and a prior probability.

(5) "Relationship index" means a likelihood ratio that compares the probability of a genetic marker given a hypothesized genetic relationship and the probability of the genetic marker given a genetic relationship between the child and a random person of the ethnic or racial group used in the hypothesized genetic relationship.

Sec. 41. (NEW) (*Effective January 1, 2022*) (a) Sections 40 to 50, inclusive, of this act govern genetic testing of a person in a proceeding to adjudicate parentage, whether the person: (1) Voluntarily submits to testing; or (2) is tested under an order of the court or a child support agency.

(b) Genetic testing may not be used: (1) To challenge the parentage of a person who is a parent under sections 51 to 77, inclusive, of this act; or (2) to establish the parentage of a person who is a donor.

Sec. 42. (NEW) (*Effective January 1, 2022*) (a) Except as provided in sections 40 to 50, inclusive, of this act, in any proceeding under sections 1 to 86, inclusive, of this act to adjudicate parentage, the court or a family support magistrate shall order the child and any other person to submit to genetic testing if a request for testing is supported by the sworn statement of a party:

(1) Alleging a reasonable possibility that the person is the child's genetic parent; or

(2) Denying genetic parentage of the child.

(b) A child support agency shall require genetic testing only if there is no presumed, acknowledged or adjudicated parent of a child other than the person who gave birth to the child.

(c) The court, a family support magistrate or child support agency may not order in utero genetic testing.

(d) If two or more persons are subject to court-ordered genetic testing, the court may order that testing be completed concurrently or sequentially.

(e) Genetic testing of a person who gave birth to a child is not a condition precedent to testing of the child and a person whose genetic parentage of the child is being determined. If the person is unavailable or declines to submit to genetic testing, the court may order genetic testing of the child and each person whose genetic parentage of the child is being adjudicated.

(f) In a proceeding to adjudicate the parentage of a child having a presumed parent or a person who claims to be a parent under section 38 of this act, the court may deny a motion for genetic testing of the child and any other person after considering the factors set forth in subsections (a) and (b) of section 23 of this act.

(g) If a person requesting genetic testing is barred under section 17, 31, 37, 48 or 52 of this act from establishing the person's parentage, the court shall deny the request for genetic testing.

(h) A default judgment may be ordered against a person who refuses to submit to court-mandated genetic testing under this section and in accordance with subsection (g) of section 46b-160 of the general statutes, as amended by this act.

Sec. 43. (NEW) (*Effective January 1, 2022*) (a) Genetic testing shall be of a type reasonably relied on by experts in the field of genetic testing and performed in a testing laboratory accredited by:

(1) The AABB, formerly known as the American Association of Blood Banks, or a successor to its functions; or

(2) An accrediting body designated by the Secretary of the United States Department of Health and Human Services.

(b) A specimen used in genetic testing may consist of a sample or a combination of samples of blood, buccal cells, bone, hair or other body

tissue or fluid. The specimen used in the testing need not be of the same kind for each person undergoing genetic testing.

(c) Based on the ethnic or racial group of a person undergoing genetic testing, a testing laboratory shall determine the databases from which to select frequencies for use in calculating a relationship index. If a person or a child support agency objects to the laboratory's choice, the following rules apply:

(1) Not later than thirty days after the date of receipt of the report of the test, the objecting person or child support agency may request the court to require the laboratory to recalculate the relationship index using an ethnic or racial group different from that used by the laboratory.

(2) The person or the child support agency objecting to the laboratory's choice under this subsection shall: (A) If the requested frequencies are not available to the laboratory for the ethnic or racial group requested, provide the requested frequencies compiled in a manner recognized by accrediting bodies; or (B) engage another laboratory to perform the calculations.

(3) The laboratory may use its own statistical estimate if there is a question which ethnic or racial group is appropriate. The laboratory shall calculate the frequencies using statistics, if available, for any other ethnic or racial group requested.

(d) If, after recalculation of the relationship index under subsection (c) of this section using a different ethnic or racial group, genetic testing under section 45 of this act shall not identify a person as a genetic parent of a child, the court may require a person who has been tested to submit to additional genetic testing to identify a genetic parent.

Sec. 44. (NEW) (*Effective January 1, 2022*) (a) A report of genetic testing shall be in a record and signed under penalty of perjury by a designee of the testing laboratory. A report complying with the requirements of sections 40 to 50, inclusive, of this act is self-authenticating.

(b) Documentation from a testing laboratory of the following information is sufficient to establish a reliable chain of custody and allow the results of genetic testing to be admissible without testimony:

(1) The name and photograph of each person whose specimen has been taken;

(2) The name of the person who collected each specimen;

(3) The place and date each specimen was collected;

(4) The name of the person who received each specimen in the testing laboratory; and

(5) The date each specimen was received.

Sec. 45. (NEW) (*Effective January 1, 2022*) (a) Subject to a challenge under subsection (b) of this section, a person is identified under sections 40 to 50, inclusive, of this act as a genetic parent of a child if genetic testing complies with said sections and the results of the testing disclose: (1) The person has not less than a ninety-nine per cent probability of parentage, using a prior probability of 0.50, as calculated by using the combined relationship index obtained in the testing; and (2) a combined relationship index of not less than one hundred to one.

(b) A person identified under subsection (a) of this section as a genetic parent of the child may challenge the genetic testing results only by other genetic testing satisfying the requirements of sections 40 to 50, inclusive, of this act that:

(1) Excludes the person as a genetic parent of the child; or

(2) Identifies another person as a possible genetic parent of the child other than: (A) The person who gave birth to the child; or (B) the person identified under subsection (a) of this section.

(c) If more than one person other than the person who gave birth is identified by genetic testing as a possible genetic parent of the child, the court shall order each person to submit to further genetic testing to

identify a genetic parent.

Sec. 46. (NEW) (*Effective January 1, 2022*) Payment of the cost of initial genetic testing shall be made in accordance with sections 46b-168 of the general statutes, as amended by this act, and 46b-168a of the general statutes, as amended by this act.

Sec. 47. (NEW) (*Effective January 1, 2022*) The court or the Office of Child Support Services of the Department of Social Services shall require additional genetic testing on request of a person who contests the result of the initial testing under section 45 of this act. If initial genetic testing under said section identified a person as a genetic parent of the child, the court or agency may not require additional testing unless the contesting person pays for the testing in advance.

Sec. 48. (NEW) (*Effective January 1, 2022*) (a) If in a proceeding to determine whether an alleged genetic parent who is not a presumed parent is a parent of a child and the person who gave birth to the child is the only other person with a claim to parentage of the child, the court shall adjudicate an alleged genetic parent to be a parent of the child if the alleged genetic parent:

(1) Is identified under section 45 of this act as a genetic parent of the child and the identification is not successfully challenged under said section;

(2) Admits parentage in a pleading, when making an appearance, or during a hearing, the court accepts the admission, and the court determines the alleged genetic parent to be a parent of the child;

(3) Declines to submit to genetic testing ordered by the court or a child support agency, in which case the court may adjudicate the alleged genetic parent to be a parent of the child even if the alleged genetic parent denies a genetic relationship with the child;

(4) Is in default after service of process and the court determines the alleged genetic parent to be a parent of the child; or

(5) Is neither identified nor excluded as a genetic parent by genetic testing and, based on other evidence, the court determines the alleged genetic parent to be a parent of the child.

(b) Subject to the limitations set forth in sections 40 to 50, inclusive, of this act, if, in a proceeding involving an alleged genetic parent, at least one other person in addition to the person who gave birth to the child has a claim to parentage of the child, the court shall adjudicate parentage under section 23 of this act.

(c) If in a proceeding involving an alleged genetic parent, another person other than the person who gave birth is a parent of the child, the alleged genetic parent can seek a determination that such person is the child's parent under section 23 of this act, in addition to the existing parents. An adjudication of parentage under this subsection that the alleged genetic parent is a parent shall not disestablish the parentage of any other parent.

Sec. 49. (NEW) (*Effective January 1, 2022*) (a) Release of a report of genetic testing for parentage is controlled by the law of this state other than sections 1 to 86, inclusive, of this act.

(b) A person who intentionally releases an identifiable specimen of another person collected for genetic testing under sections 42 to 54, inclusive, of this act for a purpose not relevant to a proceeding regarding parentage, without a court order or written permission of the person who furnished the specimen, shall be fined not more than two hundred dollars or imprisoned not more than six months, or both.

Sec. 50. (NEW) (*Effective January 1, 2022*) (a) Except as provided in subsection (b) of section 41 of this act, the court shall admit a report of genetic testing ordered by the court under section 42 of this act as evidence of the truth of the facts asserted in the report.

(b) A party may object to the admission of a report described in subsection (a) of this section, not later than fourteen days after the date on which the party receives the report. The party shall cite specific

grounds for the objection to admission.

(c) A party that objects to the results of genetic testing may call a genetic-testing expert to testify in person or by another method approved by the court. Unless the court orders otherwise, the party offering the testimony bears the expense for the expert testifying.

(d) Admissibility of a report of genetic testing is not affected by whether the testing was performed: (1) Voluntarily or under an order of the court or a child support agency; or (2) before, on or after commencement of the proceeding.

Sec. 51. (NEW) (*Effective January 1, 2022*) Sections 51 to 59, inclusive, of this act do not apply to the birth of a child conceived by sexual intercourse or assisted reproduction under a surrogacy agreement under sections 60 to 77, inclusive, of this act.

Sec. 52. (NEW) (*Effective January 1, 2022*) A donor is not a parent of a child conceived by assisted reproduction by virtue of the donor's genetic connection. A donor may not establish the donor's parentage by signing an acknowledgment of parentage under sections 24 to 35, inclusive, of this act.

Sec. 53. (NEW) (*Effective January 1, 2022*) A person who consents under section 54 of this act to assisted reproduction by another person with the intent to be a parent of a child conceived by the assisted reproduction is a parent of the child.

Sec. 54. (NEW) (*Effective January 1, 2022*) (a) Except as provided in subsection (b) of this section, the consent described in section 53 of this act shall be in a record signed by a person giving birth to a child conceived by assisted reproduction and a person who intends to be a parent of the child.

(b) Failure to consent in a record as required by subsection (a) of this section, before, on or after the date of birth of the child, shall not preclude the court from finding consent to parentage if the person who gave birth or the person who intends to be a parent of the child proves

by clear and convincing evidence the existence of an agreement that the person and the person giving birth intended they both would be parents of the child.

Sec. 55. (NEW) (*Effective January 1, 2022*) (a) Except as provided in subsection (b) of this section, a person who, at the time of a child's birth, is the spouse of the person who gave birth to the child by assisted reproduction may not challenge the person's parentage of the child unless: (1) Not later than two years after the date of birth of the child, the person commences a proceeding to adjudicate the person's parentage of the child; and (2) the court finds the person did not consent to the assisted reproduction, before, on or after the date of birth of the child, or withdrew consent under section 57 of this act.

(b) A proceeding to adjudicate a spouse's parentage of a child born by assisted reproduction may be commenced at any time if the court determines:

(1) The spouse neither provided a gamete for, nor consented to, the assisted reproduction;

(2) The spouse and the person who gave birth to the child have not cohabited since the probable time of assisted reproduction; and

(3) The spouse never openly held out the child as the spouse's child.

(c) This section shall apply to a spouse's dispute of parentage even if the spouse's marriage is declared invalid after assisted reproduction occurs.

Sec. 56. (NEW) (*Effective January 1, 2022*) If a marriage of a person who gives birth to a child conceived by assisted reproduction is terminated through dissolution of marriage or annulment, or is subject to legal separation, before transfer of gametes or embryos to the person giving birth, a former spouse of the person giving birth is not a parent of the child unless the former spouse consented in a record that the former spouse would be a parent of the child if assisted reproduction were to occur after a dissolution of marriage, annulment or legal separation, and

the former spouse did not withdraw consent under section 57 of this act.

Sec. 57. (NEW) (*Effective January 1, 2022*) (a) A person who consents under section 54 of this act to assisted reproduction may withdraw consent at any time before a transfer that results in a pregnancy, by giving notice in a record of the withdrawal of consent to the person who agreed to give birth to a child conceived by assisted reproduction and to any clinic or health care provider facilitating the assisted reproduction. Failure to give notice to the clinic or health care provider shall not affect a determination of parentage under sections 1 to 86, inclusive, of this act.

(b) A person who withdraws consent under subsection (a) of this section is not a parent of the child under sections 51 to 59, inclusive, of this act.

Sec. 58. (NEW) (*Effective January 1, 2022*) (a) If a person who intends to be a parent of a child conceived by assisted reproduction dies during the period between the transfer of a gamete or embryo and the birth of the child, the person's death shall not preclude the establishment of the person's parentage of the child if the person otherwise would be a parent of the child under sections 1 to 86, inclusive, of this act.

(b) If a person who consented in a record to assisted reproduction by a person who agreed to give birth to a child dies before a transfer of gametes or embryos, the deceased person is a parent of a child conceived by the assisted reproduction only if:

(1) The person executed a written document that: (A) Specifically set forth that the person's gametes may be used for posthumous conception of a child, (B) specifically provided the person who agreed to give birth with authority to exercise custody, control and use of the gametes in the event of the person's death, and (C) was signed and dated by the person and the person who agreed to give birth; and

(2) The embryo is in utero not later than one year after the date of the person's death.

Sec. 59. (NEW) (*Effective January 1, 2022*) (a) A party consenting to assisted reproduction, a person who is a parent pursuant to sections 53 to 55, inclusive, of this act, an intended parent or parents or the person giving birth may commence a proceeding to obtain an order:

(1) Declaring that the intended parent or parents are the parent or parents of the resulting child immediately upon birth of the child and ordering that parental rights and responsibilities vest exclusively in the intended parent or parents immediately upon the birth of the child; and

(2) Designating the contents of the birth certificate and directing the Department of Public Health to designate the intended parent or parents as the parent or parents of the resulting child.

(b) A proceeding under this section may be commenced before or after the date of birth of the child, though an order issued before the birth of the resulting child does not take effect unless and until the birth of the resulting child. Nothing in this subsection shall be construed to limit the court's authority to issue other orders under any other provision of the general statutes.

(c) Neither the state nor the Department of Public Health shall be a necessary party to a proceeding under this section.

Sec. 60. (NEW) (*Effective January 1, 2022*) As used in sections 60 to 77, inclusive, of this act:

(1) "Genetic surrogate" means a person who is not an intended parent and who agrees to become pregnant through assisted reproduction using that person's own gamete, under a genetic surrogacy agreement as provided in sections 60 to 77, inclusive, of this act.

(2) "Gestational surrogate" means a person who is not an intended parent and who agrees to become pregnant through assisted reproduction using gametes that are not that person's own, under a gestational surrogacy agreement as provided in sections 60 to 77, inclusive, of this act.

(3) "Surrogacy agreement" means an agreement between one or more intended parents and a person who is not an intended parent in which such person agrees to become pregnant through assisted reproduction and which provides that each intended parent is a parent of a child conceived under the agreement. Unless the context otherwise requires, "surrogacy agreement" includes an agreement with a person acting as a gestational surrogate and an agreement with a person acting as a genetic surrogate.

Sec. 61. (NEW) (*Effective January 1, 2022*) (a) To execute an agreement to act as a gestational or genetic surrogate, a person shall:

(1) Have attained twenty-one years of age;

(2) Have previously given birth to at least one child;

(3) Complete a medical evaluation related to the surrogacy arrangement by a licensed physician;

(4) Complete a mental health evaluation by a licensed mental health professional;

(5) Have independent legal representation of the surrogate's choice throughout the surrogacy agreement regarding the terms of the surrogacy agreement and the potential legal consequences of the agreement; and

(6) Have or obtain a health insurance policy or other coverage for major medical treatment and hospitalization and such policy or other coverage shall be for a term that extends throughout the duration of the expected pregnancy and for eight weeks after the birth of the resulting child.

(b) To execute a surrogacy agreement, each intended parent, whether or not genetically related to the child, shall:

(1) Have attained twenty-one years of age;

(2) Complete a mental health evaluation by a licensed mental health

professional; and

(3) Have independent legal representation of the intended parent's choice throughout the surrogacy agreement regarding the terms of the surrogacy agreement and the potential legal consequences of the agreement.

Sec. 62. (NEW) (*Effective January 1, 2022*) A surrogacy agreement shall be executed in compliance with the following rules:

(1) Not less than one party shall be a resident of this state.

(2) The person acting as surrogate and each intended parent shall meet the requirements of section 61 of this act.

(3) Each intended parent, the person acting as surrogate and the spouse, if any, of the person acting as the surrogate shall be parties to the agreement. If an intended parent is married, the intended parent's spouse shall also be an intended parent and a party to the agreement, unless the intended parent and the spouse are legally separated.

(4) The agreement shall be in writing and signed by each party set forth in subdivision (3) of this section.

(5) The person acting as surrogate and each intended parent shall acknowledge in writing their receipt of a copy of the agreement.

(6) The signature of each party to the agreement shall be attested by a notarial officer or otherwise acknowledged and witnessed by two disinterested adults.

(7) The person acting as surrogate and, if married, the spouse of the person acting as surrogate and the intended parent or parents shall have independent legal representation throughout the surrogacy agreement regarding the terms of the surrogacy agreement and the potential legal consequences of the agreement, and each counsel shall be identified in the surrogacy agreement. A single attorney for the person acting as surrogate and the person's spouse, if married, and a single attorney for

the intended parents is sufficient to meet this requirement, provided the representation otherwise conforms to the Rules of Professional Conduct.

(8) The intended parent or parents shall pay for independent legal representation for the person acting as surrogate and the person's spouse, if any.

(9) If the agreement provides for the payment of compensation to the person acting as surrogate, the compensation shall be placed in an escrow account prior to the commencement of any medical procedure, other than medical and mental health evaluations required by section 61 of this act.

(10) The agreement shall be executed before a medical procedure occurs related to the surrogacy agreement, other than the medical and mental health evaluations required by section 61 of this act.

Sec. 63. (NEW) (*Effective January 1, 2022*) (a) A surrogacy agreement shall comply with the following requirements:

(1) A person acting as surrogate agrees to attempt to become pregnant by means of assisted reproduction.

(2) Except as provided in sections 70, 74 and 75 of this act, the person acting as surrogate and the spouse or former spouse, if any, of the person acting as surrogate have no claim to parentage of a child conceived by assisted reproduction under the surrogacy agreement.

(3) The spouse, if any, of the person acting as surrogate shall acknowledge and agree to comply with the obligations imposed on the surrogate by the surrogacy agreement.

(4) Except as provided in sections 68, 71, 74 and 75 of this act, the intended parent or, if there are two intended parents, each one jointly and severally, immediately upon birth of the child shall be the exclusive parent or parents of the resulting child, regardless of the number of children born or the gender or mental or physical condition of each

child.

(5) Except as provided in sections 68, 71, 74 and 75 of this act, the intended parent or, if there are two intended parents, each parent jointly and severally, immediately upon birth of the resulting child shall assume responsibility for the financial support of the child, regardless of the number of children born or the gender or the mental or physical condition of each child.

(6) The surrogacy agreement shall provide for payment by the intended parent or parents of reasonable legal, medical and ancillary expenses, including: (A) Premiums for a health insurance policy that covers medical treatment and hospitalization for the person acting as surrogate unless otherwise mutually agreed upon by the parties, pursuant to the terms of the surrogacy agreement; (B) payment of all uncovered medical expenses; (C) payment of legal fees for the legal representation of the person acting as surrogate; (D) payment of life insurance premiums; and (E) any other reasonable financial arrangements mutually agreed upon by the parties, including any applicable reimbursement and compensation schedule, pursuant to the terms of the surrogacy agreement.

(7) The intended parent or parents are liable for the surrogacy-related expenses of the person acting as surrogate, including expenses for health care provided for assisted reproduction, prenatal care, labor and delivery and for the medical expenses of the resulting child that are not paid by insurance. This subdivision shall not be construed to supplant any health insurance coverage that is otherwise available to the person acting as surrogate or an intended parent for the coverage of health care costs. This subdivision shall not change the health insurance coverage of the person acting as surrogate or the responsibility of the insurance company to pay benefits under a policy that covers a person acting as surrogate.

(8) The surrogacy agreement shall not infringe on the rights of the person acting as surrogate to make all health and welfare decisions regarding the person, the person's body and the person's pregnancy

throughout the duration of the surrogacy arrangement, including during attempts to become pregnant, pregnancy, delivery and post-partum. The surrogacy agreement shall not infringe upon the right of the person acting as surrogate to autonomy in medical decision making by, including, but not limited to, requiring the person acting as surrogate to undergo a scheduled, nonmedically indicated caesarean section or to undergo multiple embryo transfer. Except as otherwise provided by law, any written or oral agreement purporting to waive or limit the rights described in this subdivision are void as against public policy.

(9) The surrogacy agreement shall include information about each party's right under sections 60 to 77, inclusive, of this act to terminate the surrogacy agreement.

(b) A surrogacy agreement may provide for: (1) The intended parent or parents to pay reasonable compensation to the person acting as surrogate; and (2) the intended parent or parents to pay for or reimburse reasonable expenses, including, but not limited to, medical, legal or other professional or necessary expenses related to the surrogacy agreement, including reimbursement of specific expenses if the agreement is terminated under sections 60 to 77, inclusive, of this act.

(c) A right created under a surrogacy agreement is not assignable and there is no third-party beneficiary of the agreement other than the resulting child.

Sec. 64. (NEW) (*Effective January 1, 2022*) Unless a surrogacy agreement expressly otherwise provides:

(1) (A) The marriage of a person acting as surrogate after the surrogacy agreement is signed by all parties shall not affect the validity of the surrogacy agreement, (B) the consent of the spouse of the person acting as surrogate is not required, and (C) the spouse of the person acting as surrogate is not a presumed parent of a child conceived by assisted reproduction under the surrogacy agreement; and

(2) The divorce, dissolution, annulment, declaration of invalidity, legal separation or separate maintenance of the person acting as surrogate after the surrogacy agreement is signed by all parties shall not affect the validity of the surrogacy agreement.

Sec. 65. (NEW) (*Effective January 1, 2022*) Unless a surrogacy agreement expressly otherwise provides:

(1) (A) The marriage of an intended parent after the agreement is signed by all parties shall not affect the validity of a surrogacy agreement, (B) the consent of the spouse of the intended parent is not required, and (C) the spouse of the intended parent is not, based on the surrogacy agreement, a parent of a child conceived by assisted reproduction under the surrogacy agreement; and

(2) The divorce, dissolution, annulment, declaration of invalidity, legal separation or separate maintenance of an intended parent after the surrogacy agreement is signed by all parties shall not affect the validity of the surrogacy agreement and the intended parents are the parents of the child.

Sec. 66. (NEW) (*Effective January 1, 2022*) During the period after the date of execution of a surrogacy agreement until the occurrence of the earlier of the date of termination of a surrogacy agreement pursuant to the agreement terms, or ninety days after the date of birth of a child conceived by assisted reproduction under the surrogacy agreement, a court of this state conducting a proceeding under sections 1 to 86, inclusive, of this act has exclusive, continuing jurisdiction over all matters arising out of the agreement. The provisions of this section do not give the court jurisdiction over a child custody proceeding or a child support proceeding if jurisdiction is not otherwise authorized by the law of this state other than the provisions of sections 1 to 86, inclusive, of this act.

Sec. 67. (NEW) (*Effective January 1, 2022*) (a) A party to a gestational surrogacy agreement may terminate such agreement, at any time before an embryo transfer, by giving notice of termination in a record to all

other parties. If an embryo transfer shall not result in a pregnancy, a party may terminate such agreement at any time before a subsequent embryo transfer, provided no party may terminate the agreement after an embryo transfer but prior to a pregnancy test at a time to be determined by a qualified healthcare provider.

(b) Unless a gestational surrogacy agreement provides otherwise, on termination of such agreement under subsection (a) of this section, the parties are released from the agreement, except that each intended parent remains responsible for expenses that are reimbursable under the agreement and incurred by the person acting as gestational surrogate through the date of termination of the agreement.

(c) Except in a case involving fraud, neither a person acting as gestational surrogate nor the spouse or former spouse of the person acting as surrogate, if any, is liable to the intended parent or parents for a penalty, including any costs incurred by intended parents, if any, for medical and psychological screening, or liquidated damages, for terminating a gestational surrogacy agreement under this section.

Sec. 68. (NEW) (*Effective January 1, 2022*) (a) Except as provided in subsection (c) of this section, subsection (b) of section 69 of this act or section 71 of this act, upon birth of a child conceived by assisted reproduction under a gestational surrogacy agreement, each intended parent is, by operation of law, a parent of the resulting child.

(b) Except as otherwise provided in subsection (c) of this section or section 71 of this act, neither a person acting as gestational surrogate nor the spouse or former spouse of the person acting as surrogate, if any, is a parent of the resulting child.

(c) If a resulting child is alleged to be a genetic child of the person who agreed to be a gestational surrogate, the court shall, upon finding sufficient evidence, order genetic testing of the child, the cost of which shall be covered by the intended parent or parents. If the resulting child is a genetic child of the person who agreed to be a gestational surrogate, parentage shall be determined in accordance with the provisions of

sections 1 to 50, inclusive, of this act.

(d) Except as provided in subsection (c) of this section, subsection (b) of section 69 of this act or section 71 of this act, if, due to a clinical or laboratory error, a child conceived by assisted reproduction under a gestational surrogacy agreement is not genetically related to an intended parent or a donor who donated to the intended parent or parents, each intended parent, and not the gestational surrogate and the spouse or former spouse of the person acting as surrogate, if any, is a parent of the resulting child.

Sec. 69. (NEW) (*Effective January 1, 2022*) (a) The provisions of section 68 of this act shall apply to an intended parent even if the intended parent died during the period between the transfer of a gamete or embryo and the birth of the resulting child.

(b) Except as provided in section 71 of this act, an intended parent is not a parent of a child conceived by assisted reproduction under a gestational surrogacy agreement if the intended parent dies before the transfer of a gamete or embryo unless:

(1) The person executed a written document, which may include the surrogacy agreement, that: (A) Specifically set forth that the person's gametes may be used for posthumous conception of a child, (B) specifically provided the other intended parent with authority to exercise custody, control and use of the gametes in the event of the person's death, and (C) was signed and dated by the person and the other intended parent; and

(2) The embryo is in utero not later than one year after the date of the person's death.

Sec. 70. (NEW) (*Effective January 1, 2022*) (a) Except as provided in subsection (c) of section 68 of this act or section 71 of this act, a party to a gestational surrogacy agreement may initiate a proceeding for a judgment of parentage of a child conceived pursuant to the agreement at any time after the agreement has been executed by all of the parties.

(b) The petition for a judgment of parentage shall include: (1) Certification from the attorney representing the intended parent or parents and the attorney representing the person acting as surrogate that the requirements of sections 61 to 63, inclusive, of this act have been met; and (2) a statement from all parties to the surrogacy agreement that they entered into the surrogacy agreement knowingly and voluntarily. The petition, including the certification and statement required by subdivisions (1) and (2) of this subsection, shall be submitted under penalty of false statement.

(c) Neither the state nor the Department of Public Health, nor the hospital where delivery is expected to occur or does occur, is a necessary party to a proceeding under subsection (a) of this section.

(d) Service of process may be waived if each party consents to waiver of service of process.

(e) Upon a finding that the petition satisfies subsection (b) of this section, the court shall issue a judgment: (1) Declaring, that upon the birth of the child born during the term of the surrogacy agreement, any intended parent is a parent of the child and ordering that parental rights, duties and custody vest immediately on the birth of the child exclusively in any intended parent; (2) Declaring, that upon the birth of the child born during the term of the surrogacy agreement, the person acting as gestational surrogate and the spouse or former spouse of the person acting as surrogate, if any, are not the parents of the child; (3) Declaring that the intended parent or parents have responsibility for the maintenance and support of the child immediately upon the birth of the child; (4) Designating the contents of the certificate of birth in accordance with subsection (b) of section 7-48a of the general statutes, as amended by this act, and directing the Department of Public Health to designate any intended parent as a parent of the child; and (5) If necessary, ordering that the child be surrendered to the intended parent or parents. The court may issue an order or judgment under this subsection before or after the date of birth of the child. The court shall stay enforcement of the order or judgment until the birth of the child.

Nothing in this subsection shall be construed to limit the court's authority to issue other orders under any other provision of the general statutes.

(f) In the event the certification required by subdivision (1) of subsection (b) of this section cannot be made because of a technical or nonmaterial deviation from the requirements of sections 61 to 63, inclusive, of this act, the court may nevertheless enforce the agreement and issue a judgment of parentage if the court determines the agreement is in substantial compliance with the requirements of said sections.

(g) An order under subsection (e) or (f) of this section shall be sufficient to satisfy the requirements in section 7-48a of the general statutes, as amended by this act, governing birth certificates.

Sec. 71. (NEW) (*Effective January 1, 2022*) (a) A gestational surrogacy agreement that complies with sections 61 to 63, inclusive, of this act is enforceable.

(b) If a child was conceived by assisted reproduction under a gestational surrogacy agreement that shall not comply with sections 61 to 63, inclusive, of this act, the court shall determine the rights and duties of the parties to the agreement, taking into account evidence of the intent of the parties at the time of execution of the agreement. Each party to the agreement and any person who at the time of the execution of the agreement was a spouse of a party to the agreement has standing to maintain a proceeding to adjudicate an issue related to the enforcement of the agreement.

(c) Except as expressly provided in a gestational surrogacy agreement or subsection (d) or (e) of this section, if the agreement is breached by the person acting as gestational surrogate or one or more intended parents, the nonbreaching party is entitled to the remedies available at law or in equity.

(d) Specific performance is not a remedy available for breach by a person acting as gestational surrogate of a provision in the agreement

that the person acting as gestational surrogate be impregnated, terminate or not terminate a pregnancy, or submit to medical procedures.

(e) Except as provided in subsection (d) of this section, if an intended parent is determined to be a parent of the resulting child, specific performance is a remedy available for:

(1) Breach of the agreement by a person acting as gestational surrogate that prevents the intended parent from exercising immediately upon birth of the child the full rights of parentage; or

(2) Breach by the intended parent that prevents the intended parent's acceptance, immediately upon birth of the child conceived by assisted reproduction under the agreement, of the duties of parentage.

Sec. 72. (NEW) (*Effective January 1, 2022*) (a) Except as otherwise provided in section 75 of this act, a genetic surrogacy agreement shall be validated by a Probate Court. A proceeding to validate the agreement shall be commenced before the assisted reproduction related to the surrogacy agreement.

(b) Upon examination of the parties, the court shall issue an order validating a genetic surrogacy agreement if the court finds that:

(1) Sections 61 to 63, inclusive, of this act are satisfied; and

(2) All parties entered into the agreement voluntarily and understand its terms.

(c) A person who terminates a genetic surrogacy agreement under section 73 of this act shall file notice of the termination with the court. On receipt of the notice, the court shall vacate any order issued under subsection (b) of this section. A person who shall not notify the court of the termination of the agreement shall be subject to sanctions.

Sec. 73. (NEW) (*Effective January 1, 2022*) (a) A party to a genetic surrogacy agreement may terminate the agreement as follows:

(1) An intended parent or person acting as genetic surrogate who is a party to the agreement may terminate the agreement at any time before a gamete or embryo transfer by giving notice of termination in a record to all other parties. If a gamete or embryo transfer does not result in a pregnancy, a party may terminate the agreement at any time before a subsequent gamete or embryo transfer, provided no party may terminate the agreement after a gamete or embryo transfer but prior to a pregnancy test at a time to be determined by a qualified healthcare provider. The notice of termination shall be attested by a notarial officer or witnessed.

(2) Upon sending the notice of termination, the sending party or parties to the genetic surrogacy agreement shall not undertake any medical procedure contemplated under the terms of the agreement. Upon receiving the notice of termination, the receiving party or parties to the genetic surrogacy agreement shall not undertake any medical procedure contemplated under the terms of the agreement.

(3) An intended parent or person acting as genetic surrogate who terminates the agreement after the court issues an order validating the agreement under section 72 or 75 of this act, but before the person acting as genetic surrogate becomes pregnant by means of assisted reproduction, shall also file notice of the termination with such court.

(b) On termination of the genetic surrogacy agreement, the parties are released from all obligations under the agreement, except that any intended parent remains responsible for all expenses incurred by the person acting as genetic surrogate through the date of termination of the agreement that are reimbursable under the agreement. Unless the agreement provides otherwise, the person acting as surrogate is not entitled to any nonexpense-related compensation paid for serving as a surrogate.

(c) Except in a case involving fraud, neither a person acting as genetic surrogate nor the spouse or former spouse of the person acting as surrogate, if any, is liable to the intended parent or parents for a penalty or liquidated damages, for terminating a genetic surrogacy agreement

under this section.

Sec. 74. (NEW) (*Effective January 1, 2022*) (a) Upon birth of a child conceived by assisted reproduction under a genetic surrogacy agreement validated under section 72 or 75 of this act, each intended parent is, by operation of law, a parent of the resulting child.

(b) Upon birth of a child conceived by assisted reproduction under a genetic surrogacy agreement validated under section 72 or 75 of this act, the intended parent or parents shall file a notice with the court that validated the agreement under section 72 or 75 that a child has been born as a result of assisted reproduction. Upon receiving such notice, the court shall immediately, or as soon as practicable, issue an order without notice and hearing: (1) Declaring that any intended parent or parents is a parent of a child conceived by assisted reproduction under the agreement and ordering that parental rights and duties vest exclusively in any intended parent or parents; (2) Declaring that the person acting as genetic surrogate and the spouse or former spouse of the person acting as surrogate, if any, are not parents of the resulting child; (3) Declaring that the intended parent or parents have responsibility for the maintenance and support of the child immediately upon the birth of the child; (4) Designating the contents of the certificate of birth in accordance with subsection (b) of section 7-48a of the general statutes, as amended by this act, and directing the Department of Public Health to designate any intended parent as a parent of the child; and (5) If necessary, ordering that the child be surrendered to the intended parent or parents. Nothing in this subsection shall be construed to limit the court's authority to issue other orders under any other provision of the general statutes.

(c) If a child born to a person acting as genetic surrogate is alleged not to have been conceived by assisted reproduction, the court may, upon sufficient findings, order genetic testing to determine the genetic parentage of the child, and shall designate which party shall pay for such testing. If the child was not conceived by assisted reproduction, parentage shall be determined in accordance with the provisions of

sections 1 to 50, inclusive, of this this act. Unless the genetic surrogacy agreement provides otherwise, if the child was not conceived by assisted reproduction the person acting as surrogate is not entitled to any nonexpense-related compensation paid for serving as a surrogate.

(d) If an intended parent fails to file the notice required under subsection (b) of this section, the person acting as genetic surrogate may file with the court, not later than sixty days after the date of birth of a child conceived by assisted reproduction under the agreement, notice that the child has been born to the person acting as genetic surrogate. On proof of a court order issued under section 72 or 75 of this act validating the agreement, the court shall order that each intended parent is a parent of the child.

Sec. 75. (NEW) (*Effective January 1, 2022*) (a) A genetic surrogacy agreement, whether or not in a record, that is not validated under section 72 of this act is enforceable only to the extent provided in this section and section 77 of this act.

(b) If all parties agree, a court may validate a genetic surrogacy agreement after assisted reproduction has occurred but before the date of birth of a child conceived by assisted reproduction under the agreement if, upon examination of the parties, the court finds that:

(1) Sections 61 to 63, inclusive, of this act are satisfied; and

(2) All parties entered into the agreement voluntarily and understand its terms.

(c) A person who terminates a genetic surrogacy agreement under section 73 of this act shall file notice of the termination with the court, provided that a person may not terminate a genetic surrogacy agreement validated under this section if a gamete or embryo transfer has resulted in a pregnancy. On receipt of the notice, the court shall vacate any order issued under subsection (b) of this section. A person who shall not notify the court of the termination of the agreement shall be subject to sanctions.

(d) If a child conceived by assisted reproduction under a genetic surrogacy agreement that is not validated under section 72 of this act or subsection (b) of this section is born, the person acting as genetic surrogate is not automatically a parent and the court shall adjudicate parentage of the child based on the best interest of the child, taking into account the factors set forth in subsection (a) of section 23 of this act and the intent of the parties at the time of the execution of the agreement.

(e) The parties to a genetic surrogacy agreement have standing to maintain a proceeding to adjudicate parentage under this section.

Sec. 76. (NEW) (*Effective January 1, 2022*) (a) Except as provided in section 74 or 75 of this act, upon birth of a child conceived by assisted reproduction under a genetic surrogacy agreement, each intended parent is, by operation of law, a parent of the child whether the surviving parent is the genetic parent of the child conceived, or not, notwithstanding the death of an intended parent during the period between the transfer of a gamete or embryo and the birth of the child.

(b) Except as provided in section 74 or 75 of this act, an intended parent is not a parent of a child conceived by assisted reproduction under a genetic surrogacy agreement if the intended parent dies before the transfer of a gamete or embryo unless:

(1) The person executed a written document, which may include the surrogacy agreement, that: (A) Specifically set forth that the person's gametes may be used for posthumous conception of a child, (B) specifically provided the other intended parent with authority to exercise custody, control and use of the gametes in the event of the person's death, and (C) was signed and dated by the person and the other intended parent; and

(2) The embryo is in utero not later than one year after the date of the person's death.

Sec. 77. (NEW) (*Effective January 1, 2022*) (a) Subject to subsection (b) of section 73 of this act, if a genetic surrogacy agreement is breached by

a person acting as genetic surrogate or one or more intended parents, the nonbreaching party is entitled to the remedies available at law or in equity.

(b) Specific performance is not a remedy available for breach by a person acting as genetic surrogate of a requirement of a validated or nonvalidated genetic surrogacy agreement that the person acting as surrogate be impregnated, terminate or not terminate a pregnancy or submit to medical procedures.

(c) Except as provided in subsection (b) of this section, specific performance is a remedy available for:

(1) Breach of a validated genetic surrogacy agreement by a person acting as genetic surrogate that prevents the intended parent from exercising, immediately upon birth of the child, the full rights of parentage; or

(2) Breach by an intended parent that prevents the intended parent's acceptance, immediately upon birth of the child conceived by assisted reproduction under the agreement, of the duties of parentage.

Sec. 78. (NEW) (*Effective January 1, 2022*) As used in sections 78 to 83, inclusive, of this act:

(1) "Identifying information" means: (A) The full name of a donor; (B) the date of birth of the donor; and (C) the permanent and, if different, current address of the donor at the time of the donation.

(2) "Medical history" means information regarding any: (A) Present illness of a donor; (B) past illness of the donor; and (C) social, genetic and family history pertaining to the health of the donor.

Sec. 79. (NEW) (*Effective January 1, 2022*) (a) The provisions of sections 78 to 83, inclusive, of this act apply only to gametes collected on or after January 1, 2022.

(b) The provisions of this section do not apply to gametes collected

from a donor whose identity is known to the recipient of the gametes at the time of the donation.

Sec. 80. (NEW) (*Effective January 1, 2022*) (a) A gamete bank or fertility clinic operating in this state shall collect from a donor the donor's identifying information and medical history at the time of the donation.

(b) A gamete bank or fertility clinic operating in this state that receives the gametes of a donor collected by another gamete bank or fertility clinic shall collect the name, address, telephone number and electronic mail address of the gamete bank or fertility clinic from which it receives the gametes.

(c) A gamete bank or fertility clinic operating in this state shall disclose the information collected under subsections (a) and (b) of this section as provided under section 82 of this act.

Sec. 81. (NEW) (*Effective January 1, 2022*) (a) A gamete bank or fertility clinic operating in this state that collects gametes from a donor shall: (1) Provide the donor with information in a record about the donor's choice regarding identity disclosure; and (2) obtain a declaration from the donor regarding identity disclosure.

(b) A gamete bank or fertility clinic operating in this state shall give a donor the choice to sign a declaration, attested by a notarial officer or witnessed, that either: (1) States that the donor agrees to disclose the donor's identity to a child conceived by assisted reproduction with the donor's gametes on request once the child attains eighteen years of age; or (2) states that the donor shall not agree presently to disclose the donor's identity to the child.

(c) A gamete bank or fertility clinic operating in this state shall permit a donor who has signed a declaration under subdivision (2) of subsection (b) of this section to withdraw the declaration at any time by signing a declaration under subdivision (1) of subsection (b) of this section.

Sec. 82. (NEW) (*Effective January 1, 2022*) (a) On request of a child

conceived by assisted reproduction who attains eighteen years of age, a gamete bank or fertility clinic operating in this state that collected the gametes used in the assisted reproduction shall make a good faith effort to provide the child with identifying information of the donor who provided the gametes, unless the donor signed and did not withdraw a declaration under subdivision (2) of subsection (b) of section 81 of this act. If the donor signed and did not withdraw the declaration, the gamete bank or fertility clinic shall make a good faith effort to notify the donor, who may elect under subsection (c) of section 81 of this act to withdraw the donor's declaration.

(b) Irrespective of whether a donor signed a declaration under subdivision (2) of subsection (b) of section 81 of this act, on request by a child conceived by assisted reproduction who attains eighteen years of age, or, if the child is a minor, by a parent or guardian of the child, a gamete bank or fertility clinic operating in this state that collected the gametes used in the assisted reproduction shall make a good faith effort to provide the child or, if the child is a minor, the parent or guardian of the child, access to nonidentifying medical history of the donor.

(c) On request of a child conceived by assisted reproduction who attains eighteen years of age, a gamete bank or fertility clinic operating in this state that received the gametes used in the assisted reproduction from another gamete bank or fertility clinic shall disclose the name, address, telephone number and electronic mail address of the gamete bank or fertility clinic from which it received the gametes.

Sec. 83. (NEW) (*Effective January 1, 2022*) (a) A gamete bank or fertility clinic operating in this state that collects gametes for use in assisted reproduction shall maintain identifying information and medical history about each gamete donor. The gamete bank or fertility clinic shall maintain records of gamete screening and testing and comply with reporting requirements, in accordance with federal law and applicable law of this state other than the provisions of sections 1 to 86, inclusive, of this act.

(b) A gamete bank or fertility clinic operating in this state that

receives gametes from another gamete bank or fertility clinic operating in this state shall maintain the name, address, telephone number and electronic mail address of the gamete bank or fertility clinic from which it received the gametes.

Sec. 84. (NEW) (*Effective January 1, 2022*) In applying and construing the provisions of sections 1 to 86, inclusive, of this act, consideration shall be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

Sec. 85. (NEW) (*Effective January 1, 2022*) Sections 1 to 86, inclusive, of this act modify, limit or supersede the Electronic Signatures in Global and National Commerce Act, 15 USC 7001 et seq., but do not modify, limit or supersede 15 USC 7001(c), or authorize electronic delivery of any of the notices described in 15 USC 7003(b).

Sec. 86. (NEW) (*Effective January 1, 2022*) Sections 1 to 86, inclusive, of this act apply to a proceeding in which no judgment has entered before January 1, 2022, with respect to a person's parentage that has not already been adjudicated by a court of competent jurisdiction or determined by operation of law.

Sec. 87. Section 7-36 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2022*):

As used in this chapter and sections 19a-40 to 19a-45, inclusive, unless the context otherwise requires:

(1) "Registrar of vital statistics" or "registrar" means the registrar of births, marriages, deaths and fetal deaths or any public official charged with the care of returns relating to vital statistics;

(2) "Registration" means the process by which vital records are completed, filed and incorporated into the official records of the department;

(3) "Institution" means any public or private facility that provides inpatient medical, surgical or diagnostic care or treatment, or nursing,

custodial or domiciliary care, or to which persons are committed by law;

(4) "Vital records" means a certificate of birth, death, fetal death or marriage;

(5) "Certified copy" means a copy of a birth, death, fetal death or marriage certificate that (A) includes all information on the certificate except such information that is nondisclosable by law, (B) is issued or transmitted by any registrar of vital statistics, (C) includes an attested signature and the raised seal of an authorized person, and (D) if submitted to the department, includes all information required by the commissioner;

(6) "Uncertified copy" means a copy of a birth, death, fetal death or marriage certificate that includes all information contained in a certified copy except an original attested signature and a raised seal of an authorized person;

(7) "Authenticate" or "authenticated" means to affix to a vital record in paper format the official seal, or to affix to a vital record in electronic format the user identification, password, or other means of electronic identification, as approved by the department, of the creator of the vital record, or the creator's designee, by which affixing the creator of such paper or electronic vital record, or the creator's designee, affirms the integrity of such vital record;

(8) "Attest" means to verify a vital record in accordance with the provisions of subdivision (5) of this section;

(9) "Correction" means to change or enter new information on a certificate of birth, marriage, death or fetal death, within one year of the date of the vital event recorded in such certificate, in order to accurately reflect the facts existing at the time of the recording of such vital event, where such changes or entries are to correct errors on such certificate due to inaccurate or incomplete information provided by the informant at the time the certificate was prepared, or to correct transcribing, typographical or clerical errors;

(10) "Amendment" means to (A) change or enter new information on a certificate of birth, marriage, death or fetal death, more than one year after the date of the vital event recorded in such certificate, in order to accurately reflect the facts existing at the time of the recording of the event, (B) create a replacement certificate of birth for matters pertaining to parentage and gender change, or (C) reflect a legal name change in accordance with section 19a-42, as amended by this act, or make a modification to a cause of death;

(11) "Acknowledgment of paternity" means to legally acknowledge paternity of a child pursuant to section 46b-172, as amended by this act;

(12) "Adjudication of paternity" means to legally establish paternity through an order of a court of competent jurisdiction;

(13) "Parentage" includes matters relating to adoption, **[**gestational**]** surrogacy agreements, paternity and maternity;

(14) "Department" means the Department of Public Health;

(15) "Commissioner" means the Commissioner of Public Health or the commissioner's designee;

**[**(16) "Gestational agreement" means a written agreement for assisted reproduction in which a woman agrees to carry a child to birth for an intended parent or intended parents, which woman contributed no genetic material to the child and which agreement (A) names each party to the agreement and indicates each party's respective obligations under the agreement, (B) is signed by each party to the agreement and the spouse of each such party, if any, and (C) is witnessed by at least two disinterested adults and acknowledged in the manner prescribed by law;**]**

(16) "Surrogacy agreement" means an agreement between one or more intended parents and a person who is not an intended parent in which such person agrees to become pregnant through assisted reproduction and which provides that each intended parent is a parent of a child conceived under the agreement. Unless the context otherwise

requires, "surrogacy agreement" includes an agreement with a person acting as a gestational surrogate and an agreement with a person acting as a genetic surrogate;

(17) "Intended parent" means a **[**party to a gestational agreement who agrees, under the gestational agreement, to be the parent of a child born to a woman by means of assisted reproduction, regardless of whether the party has a genetic relationship to the child**]** person, married or unmarried, who manifests an intent to be legally bound as a parent of a child conceived by assisted reproduction;

(18) "Foundling" means (A) a child of unknown parentage, or (B) an infant voluntarily surrendered pursuant to the provisions of section 17a-58; and

(19) "Certified homeless youth" means a person who is at least fifteen years of age but less than eighteen years of age, is not in the physical custody of a parent or legal guardian, who is a homeless child or youth, as defined in 42 USC 11434a, as amended from time to time, and who has been certified as homeless by (A) a school district homeless liaison, (B) the director of an emergency shelter program funded by the United States Department of Housing and Urban Development, or the director's designee, or (C) the director of a runaway or homeless youth basic center or transitional living program funded by the United States Department of Health and Human Services, or the director's designee.

Sec. 88. Section 7-48a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2022*):

(a) Each original certificate of birth shall be filed with the name of the birth **[**mother**]** parent recorded.

(b) If the birth is subject to a **[**gestational**]** surrogacy agreement, the Department of Public Health shall create a replacement certificate of birth immediately upon: (1) Receipt of a certified copy of an order of a court of competent jurisdiction **[**approving a gestational agreement and**]** issuing an order of parentage pursuant to such **[**gestational**]** surrogacy

agreement, if such order is received by the department after the birth of the child, or (2) the filing of an original certificate of birth, if such order is received by the department prior to the birth of the child. The department shall prepare the replacement certificate of birth for the child born of the agreement in accordance with such order. The replacement certificate of birth shall include all information required to be included in a certificate of birth of this state as of the date of the birth, except that the intended parent or parents under the **[**gestational**]** surrogacy agreement shall be named as the parent or parents of the child. When a certified copy of a certificate of birth is requested by an eligible party, as provided in section 7-51, as amended by this act, for which a replacement certificate of birth has been created pursuant to this subsection, a copy of the replacement certificate of birth shall be provided. The department shall seal the original certificate of birth in accordance with the provisions of subsection (c) of section 19a-42.

(c) Immediately after a replacement certificate of birth has been prepared, the department shall transmit an exact copy of such certificate to the registrar of vital statistics of the town of birth and to any other registrar as the department deems appropriate. Such registrar shall proceed in accordance with the provisions of section 19a-42, as amended by this act.

Sec. 89. Section 7-50 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2022*):

(a) No certificate of birth shall contain any specific statement that the child was born **[**in or out of wedlock or reference to illegitimacy of the child or to the marital status of the mother**]** to parents married or unmarried to each other, except that information on whether the child was born **[**in or out of wedlock**]** to parents married or unmarried to each other and the marital status of the **[**mother**]** person who gave birth shall be recorded on a confidential portion of the certificate pursuant to section 7-48. Upon the completion of an acknowledgment of **[**paternity**]** parentage at a hospital, concurrent with the hospital's electronic transmission of birth data to the department, or at a town in the case of

a home birth, concurrent with the registration of the birth data by the town, the acknowledgment shall be filed in the [paternity] parentage registry maintained by the department, as required by section 19a-42a, as amended by this act, and the name of the [father of a child born out of wedlock] acknowledged parent shall be entered in or upon the birth certificate or birth record of such child. All properly completed post birth acknowledgments or certified adjudications of [paternity] parentage received by the department shall be filed in the [paternity] parentage registry maintained by the department, and the name of the [father of the child born out of wedlock] acknowledged parent shall be entered in or upon the birth record or certificate of such child by the department, if there is no [paternity] parentage, other than the person who gave birth, already recorded on the birth certificate. If [another father's information is recorded on the certificate, the original father's] the certificate already contains the information of a parent other than the person who gave birth, information shall not be removed except upon receipt by the department of a certified order by a court of competent jurisdiction in which there is a finding that the individual recorded on the birth certificate, specifically referenced by name, is not the child's [father] parent, or a finding that a different individual than the one recorded, specifically referenced by name, is the child's [father] parent. The name of the [father] parent on a birth certificate or birth record shall otherwise be removed or changed only upon the filing of a rescission in such registry, as provided in section 19a-42a, as amended by this act. The Social Security number of the father of a nonmarital child [born out of wedlock] may be entered in or upon the birth certificate or birth record of such child if such entry is done in accordance with 5 USC 552a. [note.]

(b) The department shall restrict access to and issuance of certified copies of acknowledgments of paternity and acknowledgments of parentage as provided in section 19a-42a, as amended by this act.

Sec. 90. Subsection (a) of section 7-51 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2022*):

(a) (1) The department and registrars of vital statistics shall restrict access to and issuance of a certified copy of birth and fetal death records and certificates less than one hundred years old, to the following eligible parties: (A) The person whose birth is recorded, if such person is (i) over eighteen years of age, (ii) a certified homeless youth, as defined in section 7-36, as amended by this act, or (iii) a minor emancipated pursuant to sections 46b-150 to 46b-150e, inclusive; (B) such person's child, grandchild, spouse, parent, guardian or grandparent; (C) the chief executive officer of the municipality where the birth or fetal death occurred, or the chief executive officer's authorized agent; (D) the local director of health for the town or city where the birth or fetal death occurred or where the **[**mother**]** person who gave birth was a resident at the time of the birth or fetal death, or the director's authorized agent; (E) attorneys-at-law representing such person or such person's parent, guardian, child or surviving spouse; (F) a conservator of the person appointed for such person; (G) a member of a genealogical society incorporated or authorized by the Secretary of the State to do business or conduct affairs in this state; (H) an agent of a state or federal agency as approved by the department; and (I) a researcher approved by the department pursuant to section 19a-25.

(2) Except as provided in section 7-53 and section 19a-42a, as amended by this act, access to confidential files on **[**paternity**]** parentage, adoption, gender change or **[**gestational**]** surrogacy agreements, or information contained within such files, shall not be released to any party, including the eligible parties listed in subdivision (1) of this subsection, except upon an order of a court of competent jurisdiction.

Sec. 91. Subsection (a) of section 7-51a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2022*):

(a) Any person eighteen years of age or older may purchase certified copies of marriage and death records, and certified copies of records of births or fetal deaths which are at least one hundred years old, in the custody of any registrar of vital statistics. The department may issue

uncertified copies of death certificates for deaths occurring less than one hundred years ago, and uncertified copies of birth, marriage, death and fetal death certificates for births, marriages, deaths and fetal deaths that occurred at least one hundred years ago, to researchers approved by the department pursuant to section 19a-25, and to state and federal agencies approved by the department. During all normal business hours, members of genealogical societies incorporated or authorized by the Secretary of the State to do business or conduct affairs in this state shall (1) have full access to all vital records in the custody of any registrar of vital statistics, including certificates, ledgers, record books, card files, indexes and database printouts, except for those records containing Social Security numbers protected pursuant to 42 USC 405 (c)(2)(C), and confidential files on adoptions, gender change, **[**gestational**]** surrogacy agreements, **[**and paternity**]** and parentage, (2) be permitted to make notes from such records, (3) be permitted to purchase certified copies of such records, and (4) be permitted to incorporate statistics derived from such records in the publications of such genealogical societies. For all vital records containing Social Security numbers that are protected from disclosure pursuant to federal law, the Social Security numbers contained on such records shall be redacted from any certified copy of such records issued to a genealogist by a registrar of vital statistics.

Sec. 92. Subsection (c) of section 17a-60 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2022*):

(c) Possession of a bracelet linking the parent or lawful agent to an infant surrendered to a designated employee if parental rights have not been terminated creates a presumption the parent or lawful agent has standing to participate in a custody hearing for the infant under chapter 319a but does not create a presumption of **[**maternity, paternity**]** parentage or custody.

Sec. 93. Section 17b-27 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2022*):

(a) Each hospital or other institution where births occur, and each

entity that is approved by the Commissioner of Social Services to participate in the voluntary [paternity] parentage establishment program, shall, with the assistance of the commissioner, develop a protocol for a voluntary [paternity] parentage establishment program as provided in regulations adopted pursuant to subsection (b) of this section, which shall be consistent with the provisions of [subsection (a) of section 46b-172] sections 24 to 35, inclusive, of this act and shall encourage the positive involvement of both parents in the life of the child. Each such protocol shall assure that the participants are informed, are competent to understand and agree to an affirmation or acknowledgment of [paternity] parentage, and that any such affirmation or acknowledgment is voluntary and free from coercion. Each such protocol shall also provide for the training of all staff members involved in the voluntary [paternity] parentage establishment process so that such staff members will understand their obligations to implement the voluntary [paternity] parentage establishment program in such a way that the participants are informed, are competent to understand and agree to an affirmation or acknowledgment of [paternity] parentage, and that any such affirmation or acknowledgment is voluntary and free from coercion. No entity may participate in the program until its protocol has been approved by the commissioner. The commissioner shall make all protocols and proposed protocols available for public inspection. No entity or location at which all or a substantial portion of occupants are present involuntarily, including, but not limited to, a prison or a mental hospital, but excluding any site having a research and demonstration project established under subsection (d) of section 1 of public act 99-193, may be approved for participation in the voluntary [paternity] parentage establishment program; nor may the commissioner approve any further site for participation in the program if it maintains a coercive environment or if the failure to acknowledge [paternity] parentage may result in the loss of benefits or services controlled by the entity, which are unrelated to [paternity] parentage.

(b) The Commissioner of Social Services shall adopt regulations in accordance with chapter 54 to implement the provisions of subsection

(a) of this section. Such regulations shall specify the requirements for participation in the voluntary [paternity] parentage establishment program and shall include, but not be limited to, provisions (1) to assure that affirmations of [paternity by the mother and acknowledgments of paternity by the putative father] parentage are voluntary and free from coercion, and (2) to establish the contents of notices which shall be provided to the [mother and to the putative father] parents before affirmation or acknowledgment. The notice to the [mother] parent who gave birth shall include, but not be limited to, notice that the affirmation or acknowledgment of [paternity] parentage may result in rights of custody and visitation, as well as a duty of support, in the person named as [the father] a parent. The notice to the [putative father] acknowledged parent shall include, but not be limited to, notice that: (A) [He] The acknowledged parent has the right to: (i) Establish [his paternity] parentage voluntarily or through court action, or to contest [paternity] parentage; (ii) appointment of counsel; (iii) in cases where the acknowledged parent is an alleged genetic parent, a genetic test to determine [paternity] parentage prior to signing an acknowledgment or in conjunction with a court action; and (iv) a trial by the Superior Court or a family support magistrate, and (B) acknowledgment of [paternity will make him] parentage shall make the acknowledged parent liable for the financial support of the child until the child's eighteenth birthday and may result in rights of custody and visitation being conferred on the [father] acknowledged parent. In no event shall the [mother's] failure of the parent who gave birth to sign an affirmation or acknowledgment of [paternity] parentage in the hospital or with any other entity agreeing to participate in the voluntary [paternity] parentage establishment program be considered failure to cooperate with the establishment of support for the purposes of eligibility for temporary assistance for needy families.

(c) The Department of Public Health shall establish a voluntary acknowledgment of [paternity] parentage system consistent with the provisions of [subsection (a) of section 46b-172] sections 24 to 35, inclusive, of this act.

Sec. 94. Subsections (a) and (b) of section 17b-137a of the general statutes are repealed and the following is substituted in lieu thereof (*Effective January 1, 2022*):

(a) The Social Security number of the applicant shall be recorded on each (1) application for a license, certification or permit to engage in a profession or occupation regulated pursuant to the provisions of title 19a, 20 or 21; (2) application for a commercial driver's license or commercial driver's instruction permit completed pursuant to subsection (a) of section 14-44c; and (3) application for a marriage license made under section 46b-25.

(b) The Social Security number of any individual who is subject to a dissolution of marriage decree, dissolution of civil union decree, support order or **[**paternity**]** parentage determination or acknowledgment shall be placed in the records relating to the matter.

Sec. 95. Subparagraph (A) of subdivision (2) of subsection (a) of section 17b-137 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2022*):

(2) (A) Such disclosure may be obtained in like manner of the property, wages or indebtedness of any person who is either: (i) Liable for the support of any such applicant or recipient, including the parents of any child receiving aid or services through the Department of Children and Families, or one adjudged or acknowledged to be the **[**father of an illegitimate**]** parent of a child; or (ii) the subject of an investigation in a IV-D support case, as defined in subdivision (13) of subsection (b) of section 46b-231. Any company or officer who has control of the books and accounts of any corporation shall make full disclosure to the IV-D agency, as defined in subdivision (12) of subsection (b) of section 46b-231, or to the support enforcement officer of the Superior Court of any such property, wages or indebtedness in all support cases, including IV-D support cases, as defined in subdivision (13) of subsection (b) of section 46b-231.

Sec. 96. Subsections (d) and (e) of section 19a-42 of the general statutes

are repealed and the following is substituted in lieu thereof (*Effective January 1, 2022*):

(d) (1) Upon receipt of (A) an acknowledgment of **[**paternity**]** parentage executed in accordance with the provisions of **[**subsection (a) of section 46b-172**]** sections 24 to 35, inclusive, of this act by both parents of a child, **[**born out of wedlock,**]** or (B) a certified copy of an order of a court of competent jurisdiction establishing the **[**paternity**]** parentage of a child born out of wedlock, the commissioner shall include on or amend, as appropriate, such child's birth certificate to show such **[**paternity if paternity**]** parentage if parentage is not already shown on such birth certificate and to change the name of the child under eighteen years of age if so indicated on the acknowledgment of **[**paternity**]** parentage form or within the certified court order as part of the **[**paternity**]** parentage action. If a person who is the subject of a voluntary acknowledgment of **[**paternity**]** parentage, as described in this subdivision, is eighteen years of age or older, the commissioner shall obtain a notarized affidavit from such person affirming that **[**he or she**]** such person agrees to the commissioner's amendment of such person's birth certificate as such amendment relates to the acknowledgment of **[**paternity**]** parentage. The commissioner shall amend the birth certificate for an adult child to change **[**his or her**]** the child's name only pursuant to a court order.

(2) If **[**another father is listed on**]** the birth certificate lists the information of a parent other than the person who gave birth, the commissioner shall not remove or replace the **[**father's**]** parent's information unless presented with a certified court order that meets the requirements specified in section 7-50, as amended by this act, or upon the proper filing of a rescission, in accordance with the provisions of section 46b-172, as amended by this act. The commissioner shall thereafter amend such child's birth certificate to remove or change the **[**father's**]** name of the parent other than the person who gave birth and, if relevant, to change the name of the child, as requested at the time of the filing of a rescission, in accordance with the provisions of section 46b-172, as amended by this act. Birth certificates amended under this

subsection shall not be marked "Amended".

(e) When the parent or parents of a child request the amendment of the child's birth certificate to reflect a new [mother's] name of the parent who gave birth because the name on the original certificate is fictitious, such parent or parents shall obtain an order of a court of competent jurisdiction declaring the [putative mother] person who gave birth to be the child's [mother] parent. Upon receipt of a certified copy of such order, the department shall amend the child's birth certificate to reflect the [mother's] parent's true name.

Sec. 97. Section 19a-42a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2022*):

(a) All (1) voluntary acknowledgments of [paternity] parentage and rescissions of such acknowledgments executed in accordance with [subsection (a) of section 46b-172] sections 24 to 37, inclusive, of this act, and (2) adjudications of [paternity] parentage issued by a court or family support magistrate under section 19 of this act, section 46b-171, as amended by this act, section 46b-172a, as amended by this act, or any other provision of the general statutes shall be filed in the [paternity] parentage registry maintained by the Department of Public Health. All information in such registry shall be made available to the IV-D agency, as defined in subdivision (12) of subsection (b) of section 46b-231, for comparison with information in the state case registry established under subsection (l) of section 17b-179. The IV-D agency may disclose information in the [paternity] parentage registry to an agency under cooperative agreement with the IV-D agency for child support enforcement purposes.

(b) Except for the IV-D agency, as provided in subsection (a) of this section, the department shall restrict access to and issuance of certified copies of acknowledgments of [paternity] parentage to the following parties: (1) Parents named on the acknowledgment of [paternity] parentage; (2) the person whose birth is acknowledged, if such person is eighteen years of age or older; (3) a guardian of the person whose birth is acknowledged; (4) an authorized representative of the Department of

Social Services; (5) an attorney representing such person or a parent named on the acknowledgment; or (6) agents of a state or federal agency, as approved by the department.

Sec. 98. Subsection (a) of section 45a-8a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2022*):

(a) For the purposes of this section, "children's matters" means: (1) Guardianship matters under sections 45a-603 to 45a-625, inclusive; (2) termination of parental rights matters under sections 45a-706 to 45a-719, inclusive; (3) adoption matters under sections 45a-724 to 45a-733, inclusive, and sections 45a-736 and 45a-737; (4) claims for **[**paternity**]** parentage under section 5 of this act and section 46b-172a, as amended by this act; (5) emancipation of minor matters under sections 46b-150 to 46b-150e, inclusive; and (6) voluntary admission matters under section 17a-11.

Sec. 99. Subsection (b) of section 45a-106a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2022*):

(b) The fee to file each of the following motions, petitions or applications in a Probate Court is two hundred fifty dollars:

(1) With respect to a minor child: (A) Appoint a temporary guardian, temporary custodian, guardian, coguardian, permanent guardian or statutory parent, (B) remove a guardian, including the appointment of another guardian, (C) reinstate a parent as guardian, (D) terminate parental rights, including the appointment of a guardian or statutory parent, (E) grant visitation, (F) make findings regarding special immigrant juvenile status, (G) approve placement of a child for adoption outside this state, (H) approve an adoption, (I) validate a foreign adoption, (J) review, modify or enforce a cooperative postadoption agreement, (K) review an order concerning contact between an adopted child and his or her siblings, (L) resolve a dispute concerning a standby guardian, (M) approve a plan for voluntary

services provided by the Department of Children and Families, (N) determine whether the termination of voluntary services provided by the Department of Children and Families is in accordance with applicable regulations, (O) conduct an in-court review to modify an order, (P) grant emancipation, (Q) grant approval to marry, (R) transfer funds to a custodian under sections 45a-557 to 45a-560b, inclusive, (S) appoint a successor custodian under section 45a-559c, (T) resolve a dispute concerning custodianship under sections 45a-557 to 45a-560b, inclusive, and (U) grant authority to purchase real estate;

(2) Determine **[**paternity**]** parentage;

(3) Validate a genetic surrogacy agreement;

**[**(3)**]** (4) Determine the age and date of birth of an adopted person born outside the United States;

**[**(4)**]** (5) With respect to adoption records: (A) Appoint a guardian ad litem for a biological relative who cannot be located or appears to be incompetent, (B) appeal the refusal of an agency to release information, (C) release medical information when required for treatment, and (D) grant access to an original birth certificate;

**[**(5)**]** (6) Approve an adult adoption;

**[**(6)**]** (7) With respect to a conservatorship: (A) Appoint a temporary conservator, conservator or special limited conservator, (B) change residence, terminate a tenancy or lease, sell or dispose household furnishings, or place in a long-term care facility, (C) determine competency to vote, (D) approve a support allowance for a spouse, (E) grant authority to elect the spousal share, (F) grant authority to purchase real estate, (G) give instructions regarding administration of a joint asset or liability, (H) distribute gifts, (I) grant authority to consent to involuntary medication, (J) determine whether informed consent has been given for voluntary admission to a hospital for psychiatric disabilities, (K) determine life-sustaining medical treatment, (L) transfer to or from another state, (M) modify the conservatorship in connection

with a periodic review, (N) excuse accounts under rules of procedure approved by the Supreme Court under section 45a-78, (O) terminate the conservatorship, and (P) grant a writ of habeas corpus;

**[**(7)**]** (8) With respect to a power of attorney: (A) Compel an account by an agent, (B) review the conduct of an agent, (C) construe the power of attorney, and (D) mandate acceptance of the power of attorney;

**[**(8)**]** (9) Resolve a dispute concerning advance directives or life-sustaining medical treatment when the individual does not have a conservator or guardian;

**[**(9)**]** (10) With respect to an elderly person, as defined in section 17b-450: (A) Enjoin an individual from interfering with the provision of protective services to such elderly person, and (B) authorize the Commissioner of Social Services to enter the premises of such elderly person to determine whether such elderly person needs protective services;

**[**(10)**]** (11) With respect to an adult with intellectual disability: (A) Appoint a temporary limited guardian, guardian or standby guardian, (B) grant visitation, (C) determine competency to vote, (D) modify the guardianship in connection with a periodic review, (E) determine life-sustaining medical treatment, (F) approve an involuntary placement, (G) review an involuntary placement, (H) authorize a guardian to manage the finances of such adult, and (I) grant a writ of habeas corpus;

**[**(11)**]** (12) With respect to psychiatric disability: (A) Commit an individual for treatment, (B) issue a warrant for examination of an individual at a general hospital, (C) determine whether there is probable cause to continue an involuntary confinement, (D) review an involuntary confinement for possible release, (E) authorize shock therapy, (F) authorize medication for treatment of psychiatric disability, (G) review the status of an individual under the age of sixteen as a voluntary patient, and (H) recommit an individual under the age of sixteen for further treatment;

**[**(12)**]** (13) With respect to drug or alcohol dependency: (A) Commit an individual for treatment, (B) recommit an individual for further treatment, and (C) terminate an involuntary confinement;

**[**(13)**]** (14) With respect to tuberculosis: (A) Commit an individual for treatment, (B) issue a warrant to enforce an examination order, and (C) terminate an involuntary confinement;

**[**(14)**]** (15) Compel an account by the trustee of an inter vivos trust, custodian under sections 45a-557 to 45a-560b, inclusive, or treasurer of an ecclesiastical society or cemetery association;

**[**(15)**]** (16) With respect to a testamentary or inter vivos trust: (A) Construe, divide, reform or terminate the trust, (B) enforce the provisions of a pet trust, and (C) excuse a final account under rules of procedure approved by the Supreme Court under section 45a-78;

**[**(16)**]** (17) Authorize a fiduciary to establish a trust;

**[**(17)**]** (18) Appoint a trustee for a missing person;

**[**(18)**]** (19) Change a person's name;

**[**(19)**]** (20) Issue an order to amend the birth certificate of an individual born in another state to reflect a gender change;

**[**(20)**]** (21) Require the Department of Public Health to issue a delayed birth certificate;

**[**(21)**]** (22) Compel the board of a cemetery association to disclose the minutes of the annual meeting;

**[**(22)**]** (23) Issue an order to protect a grave marker;

**[**(23)**]** (24) Restore rights to purchase, possess and transport firearms;

**[**(24)**]** (25) Issue an order permitting sterilization of an individual;

**[**(25)**]** (26) Approve the transfer of structured settlement payment rights; and

**[**(26)**]** (27) With respect to any case in a Probate Court other than a decedent's estate: (A) Compel or approve an action by the fiduciary, (B) give advice or instruction to the fiduciary, (C) authorize a fiduciary to compromise a claim, (D) list, sell or mortgage real property, (E) determine title to property, (F) resolve a dispute between cofiduciaries or among fiduciaries, (G) remove a fiduciary, (H) appoint a successor fiduciary or fill a vacancy in the office of fiduciary, (I) approve fiduciary or attorney's fees, (J) apply the doctrine of cy pres or approximation, (K) reconsider, modify or revoke an order, and (L) decide an action on a probate bond.

Sec. 100. Subsection (a) of section 45a-257b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2022*):

(a) Except as provided in subsection (b) of this section, if a testator fails to provide in the testator's will for any of the testator's children born or adopted after the execution of the will, including any child who is born as a result of **[**artificial insemination to which the testator has consented in accordance with subsection (b) of section 45a-772**]** assisted reproduction, as defined in section 2 of this act, and any child born after the death of the testator as provided in subsection (a) of section 45a-785, the omitted after-born or after-adopted child receives a share in the estate as follows:

(1) If the testator had no child living when the testator executed the will, an omitted after-born or after-adopted child receives a share in the estate equal in value to that which the child would have received had the testator died intestate, unless the will devised or bequeathed all or substantially all of the estate to the other parent of the omitted child and that other parent survives the testator and is entitled to take under the will.

(2) If the testator had one or more children living when the testator executed the will, and the will devised or bequeathed property or an interest in property to one or more of the then-living children, an omitted after-born or after-adopted child is entitled to share in the

testator's estate as follows:

(A) Except as provided in subparagraph (E) of this subdivision, the portion of the testator's estate in which the omitted after-born or after-adopted child is entitled to share is limited to devises and legacies made to the testator's then-living children under the will.

(B) The omitted after-born or after-adopted child is entitled to receive the share of the testator's estate, as limited in subparagraph (A) of this subdivision, that the child would have received had the testator included all omitted after-born and after-adopted children with the children to whom devises and legacies were made under the will and had given an equal share of the estate to each child.

(C) To the extent feasible, the interest granted an omitted after-born or after-adopted child under this section must be of the same character, whether equitable or legal, present or future, as that devised or bequeathed to the testator's then-living children under the will.

(D) In satisfying a share provided by this subdivision, devises and legacies to the testator's children who were living when the will was executed abate ratably. In the abatement of the devises and legacies of the then-living children, to the maximum extent possible the character of the testamentary plan adopted by the testator shall be preserved.

(E) If it appears from the will that the intention of the testator was to make a limited provision which specifically applied only to the testator's living children at the time the will was executed, the after-born or after-adopted child succeeds to the portion of such testator's estate as would have passed to such child had the testator died intestate.

Sec. 101. Subsection (a) of section 45a-262 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2022*):

(a) The words "child", "children", "issue", "descendants", "descendant", "heirs", "heir", "unlawful heirs", "grandchild" and "grandchildren", when used in the singular or plural in any will or trust

instrument, shall, unless such document clearly indicates a contrary intention, be deemed to include children born as a result of **[**A.I.D.**]** assisted reproduction. The provisions of this subsection shall apply to wills and trust instruments whether or not executed before, on or after October 1, 1975, unless the instrument indicates an intent to the contrary.

Sec. 102. Subsection (b) of section 45a-437 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2022*):

(b) For the purposes of this section:

(1) Issue includes children **[**born out of wedlock**]** who qualify for inheritance under the provisions of section 45a-438, as amended by this act, and the legal representatives of such children;

(2) A **[**father of a child born out of wedlock**]** person shall be considered a parent if the **[**father**]** person qualifies for inheritance from or through the child under the provisions of section 45a-438b, as amended by this act.

Sec. 103. Subsection (b) of section 45a-438 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2022*):

(b) Except as provided in section 45a-731, for the purposes of this chapter, a child **[**born out of wedlock**]** and the child's legal representatives shall qualify for inheritance from or through the **[**father if (1) the father's paternity was established by a written acknowledgment of paternity under section 46b-172, or (2) the father's paternity has been adjudicated by a court of competent jurisdiction under chapter 815y**]** parent if parentage is established in accordance with the provisions of the Connecticut Parentage Act or by adoption. If parentage is based on subdivision (3) of subsection (a) of section 36 or sections 40 to 50, inclusive, of the Connecticut Parentage Act, parentage shall be established by a voluntary acknowledgment of parentage under

sections 24 to 35, inclusive, of the Connecticut Parentage Act, or by court adjudication.

Sec. 104. Section 45a-438b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2022*):

Except as provided in section 45a-731, for the purposes of this chapter, a **[**father and his kindred**]** parent and the parent's kindred shall qualify for inheritance from or through a child **[**who was born out of wedlock if (1) the father's paternity was established by a written acknowledgment of paternity under section 46b-172, or (2) the father's paternity has been adjudicated by a court of competent jurisdiction under chapter 815y**]** if parentage is established in accordance with the provisions of the Connecticut Parentage Act or by adoption. If parentage is based on subdivision (3) of subsection (a) of section 36 or sections 40 to 50, inclusive, of the Connecticut Parentage Act, parentage shall be established by a voluntary acknowledgment of parentage under sections 24 to 35, inclusive, of the Connecticut Parentage Act, or by court adjudication.

Sec. 105. Section 45a-604 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2022*):

As used in sections 45a-603 to 45a-622, inclusive:

(1) "Mother" means a woman who **[**can show proof by means of a birth certificate or other sufficient evidence of having given birth to a child and an adoptive mother as shown by a decree of a court of competent jurisdiction or otherwise**]** is a parent as defined in section 2 of this act;

(2) "Father" means a man who is a **[**father under the law of this state including a man who, in accordance with section 46b-172, executes a binding acknowledgment of paternity and a man determined to be a father under chapter 815y**]** parent as defined by section 2 of this act;

(3) "Parent" **[**means a mother as defined in subdivision (1) of this section or a "father" as defined in subdivision (2) of this section**]** has the

same meaning as provided in section 2 of this act;

(4) "Minor" or "minor child" means a person under the age of eighteen;

(5) "Guardianship" means guardianship of the person of a minor, and includes: (A) The obligation of care and control; (B) the authority to make major decisions affecting the minor's education and welfare, including, but not limited to, consent determinations regarding marriage, enlistment in the armed forces and major medical, psychiatric or surgical treatment; and (C) upon the death of the minor, the authority to make decisions concerning funeral arrangements and the disposition of the body of the minor;

(6) "Guardian" means a person who has the authority and obligations of "guardianship", as defined in subdivision (5) of this section;

(7) "Termination of parental rights" means the complete severance by court order of the legal relationship, with all its rights and responsibilities, between the child and the child's parent or parents so that the child is free for adoption, except that it shall not affect the right of inheritance of the child or the religious affiliation of the child;

(8) "Permanent guardianship" means a guardianship, as defined in subdivision (5) of this section, that is intended to endure until the minor reaches the age of majority without termination of the parental rights of the minor's parents; and

(9) "Permanent guardian" means a person who has the authority and obligations of a permanent guardianship, as defined in subdivision (8) of this section.

Sec. 106. Section 45a-707 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2022*):

As used in sections 45a-187, 45a-706 to 45a-709, inclusive, 45a-715 to 45a-718, inclusive, and 45a-724 to 45a-737, inclusive:

(1) "Adoption" means the establishment by court order of the legal relationship of parent and child;

(2) "Child care facility" means a congregate residential setting for the out-of-home placement of children or youths under eighteen years of age, licensed by the Department of Children and Families;

(3) "Child-placing agency" means any agency within or without the state of Connecticut licensed or approved by the Commissioner of Children and Families in accordance with sections 17a-149 and 17a-151, and in accordance with standards established by regulations of the Commissioner of Children and Families;

(4) "Guardianship" means guardianship, unless otherwise specified, of the person of a minor and refers to the obligation of care and control, the right to custody and the duty and authority to make major decisions affecting the minor's welfare, including, but not limited to, consent determinations regarding marriage, enlistment in the armed forces and major medical, psychiatric or surgical treatment;

(5) "Parent" **[**means a biological or adoptive parent**]** has the same meaning as provided in section 2 of this act;

(6) "Relative" means any person descended from a common ancestor, whether by blood or adoption, not more than three generations removed from the child;

(7) "Statutory parent" means the Commissioner of Children and Families or the child-placing agency appointed by the court for the purpose of the adoption of a minor child or minor children;

(8) "Termination of parental rights" means the complete severance by court order of the legal relationship, with all its rights and responsibilities, between the child and the child's parent or parents so that the child is free for adoption except it shall not affect the right of inheritance of the child or the religious affiliation of the child.

Sec. 107. Section 45a-716 of the general statutes is repealed and the

following is substituted in lieu thereof (*Effective January 1, 2022*):

(a) Upon receipt of a petition for termination of parental rights, the Probate Court, or the Superior Court on a case transferred to it from the Probate Court in accordance with the provisions of subsection (g) of section 45a-715, shall set a time and place for hearing the petition. The time for hearing shall be not more than thirty days after the filing of the petition, except, in the case of a petition for termination of parental rights based on consent that is filed on or after October 1, 2004, the time for hearing shall be not more than twenty days after the filing of such petition.

(b) The court shall cause notice of the hearing to be given to the following persons, as applicable: (1) The minor child, if age twelve or older; (2) the parent or parents of the minor child, including any parent who has been removed as guardian; (3) the **[**father**]** alleged genetic parent of any minor child born **[**out of wedlock**]** to parents not married to each other, provided at the time of the filing of the petition (A) **[**he**]** the alleged genetic parent has been adjudicated the **[**father**]** parent of such child by a court of competent jurisdiction, (B) **[**he**]** the alleged genetic parent has acknowledged in writing that **[**he**]** the alleged genetic parent is the **[**father**]** parent of such child, (C) **[**he**]** the alleged genetic parent has contributed regularly to the support of such child, (D) **[**his**]** the name of the alleged genetic parent appears on the birth certificate, (E) **[**he**]** the alleged genetic parent has filed a claim for **[**paternity**]** parentage as provided under section 46b-172a, as amended by this act, or (F) **[**he**]** the alleged genetic parent has been named in the petition as the **[**father**]** parent of the child by the **[**mother**]** parent who gave birth; (4) the guardian or any other person whom the court deems appropriate; (5) the Commissioner of Children and Families; and (6) the Attorney General. The Attorney General may file an appearance and shall be and remain a party to the action if the child is receiving or has received aid or care from the state, or if the child is receiving child support enforcement services, as defined in subdivision (2) of subsection (b) of section 46b-231, as amended by this act. If the recipient of the notice is a person described in subdivision (2) or (3) of this subsection or is any

other person whose parental rights are sought to be terminated in the petition, the notice shall contain a statement that the respondent has the right to be represented by counsel and that if the respondent is unable to pay for counsel, counsel will be appointed for the respondent. The reasonable compensation for such counsel shall be established by, and paid from funds appropriated to, the Judicial Department, except that in the case of a Probate Court matter, if funds have not been included in the budget of the Judicial Department for such purposes, such compensation shall be established by the Probate Court Administrator and paid from the Probate Court Administration Fund.

(c) Except as provided in subsection (d) of this section, notice of the hearing and a copy of the petition, certified by the petitioner, the petitioner's agent or attorney, or the clerk of the court, shall be served not less than ten days before the date of the hearing by personal service or service at the person's usual place of abode on the persons enumerated in subsection (b) of this section who are within the state, and by first class mail on the Commissioner of Children and Families and the Attorney General. If the address of any person entitled to personal service or service at the person's usual place of abode is unknown, or if personal service or service at the person's usual place of abode cannot be reasonably effected within the state, or if any person enumerated in subsection (b) of this section is out of the state, a judge or the clerk of the court shall order notice to be given by registered or certified mail, return receipt requested, or by publication not less than ten days before the date of the hearing. Any such publication shall be in a newspaper of general circulation in the place of the last-known address of the person to be notified, whether within or without this state, or, if no such address is known, in the place where the petition has been filed.

(d) In any proceeding pending in the Probate Court, in lieu of personal service on, or at the usual place of abode of, **[**a parent or the father of a child born out of wedlock**]** an alleged genetic parent of a child born to parents not married to each other who is either a petitioner or who signs under penalty of false statement a written waiver of personal

service on a form provided by the Probate Court Administrator, the court may order notice to be given by first class mail not less than ten days before the date of the hearing. If such delivery cannot reasonably be effected, or if the whereabouts of the parents is unknown, notice shall be ordered to be given by publication as provided in subsection (c) of this section.

Sec. 108. Subsection (c) of section 45a-717 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2022*):

(c) The court shall, if a claim for **[**paternity**]** parentage has been filed by an alleged genetic parent in accordance with section 46b-172a, as amended by this act, continue the hearing under the provisions of this section until the claim for **[**paternity**]** parentage is adjudicated, provided the court may combine the hearing on the claim for **[**paternity**]** parentage with the hearing on the termination of parental rights petition.

Sec. 109. Section 46b-1 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2022*):

Matters within the jurisdiction of the Superior Court deemed to be family relations matters shall be matters affecting or involving: (1) Dissolution of marriage, contested and uncontested, except dissolution upon conviction of crime as provided in section 46b-47; (2) legal separation; (3) annulment of marriage; (4) alimony, support, custody and change of name incident to dissolution of marriage, legal separation and annulment; (5) actions brought under section 46b-15; (6) complaints for change of name; (7) civil support obligations; (8) habeas corpus and other proceedings to determine the custody and visitation of children; (9) habeas corpus brought by or on behalf of any mentally ill person except a person charged with a criminal offense; (10) appointment of a commission to inquire whether a person is wrongfully confined as provided by section 17a-523; (11) juvenile matters as provided in section 46b-121, as amended by this act; (12) all rights and remedies provided for in chapter 815j; (13) the establishing of **[**paternity**]** parentage; (14)

appeals from probate concerning: (A) Adoption or termination of parental rights; (B) appointment and removal of guardians; (C) custody of a minor child; (D) appointment and removal of conservators; (E) orders for custody of any child; and (F) orders of commitment of persons to public and private institutions and to other appropriate facilities as provided by statute; (15) actions related to prenuptial and separation agreements and to matrimonial and civil union decrees of a foreign jurisdiction; (16) dissolution, legal separation or annulment of a civil union performed in a foreign jurisdiction; (17) custody proceedings brought under the provisions of chapter 815p; and (18) all such other matters within the jurisdiction of the Superior Court concerning children or family relations as may be determined by the judges of said court.

Sec. 110. Subsection (b) of section 46b-6a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2022*):

(b) In a family relations matter, as defined in section 46b-1, as amended by this act, if a court orders that a child undergo treatment from a qualified, licensed health care provider, the court shall permit the parent or legal guardian of such child to select a qualified, licensed health care provider to provide such treatment. Except in a case where **[**one of the parents**]** a parent has been awarded sole custody, if **[**both**]** the parents do not agree on the selection of a qualified, licensed health care provider to provide such treatment to a child, the court shall continue the matter for two weeks to allow the parents an opportunity to jointly select a qualified, licensed health care provider. If after the two-week period, the parents have not reached an agreement on the selection of a qualified, licensed health care provider, the court shall select such provider after giving due consideration to the health insurance coverage and financial resources available to such parents.

Sec. 111. Section 46b-45a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2022*)

(a) If, during the pendency of a dissolution or annulment of marriage,

**[**the wife**]** a spouse is pregnant, **[**she**]** such spouse may so allege in the pleadings. The parties may in their pleadings allege and answer that the child born of the pregnancy will or will not be **[**issue**]** a child of the marriage.

(b) If the parties to a dissolution or annulment of marriage disagree as to **[**whether or not the husband is the father of**]** the parentage of the spouse who did not give birth to the child born of the pregnancy, the court shall hold a hearing within a reasonable period after the birth of the child to determine **[**paternity**]** parentage.

Sec. 112. Section 46b-55 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2022*):

**[**(a)**]** The Attorney General shall be and remain a party to any action for dissolution of marriage, legal separation or annulment, and to any proceedings after judgment in such action, if any party to the action, or any child of any party, is receiving or has received aid or care from the state. The Attorney General may also be a party to such action for the purpose of establishing, enforcing or modifying an order for support or alimony if any party to the action is receiving support enforcement services pursuant to Title IV-D of the Social Security Act.

**[**(b) If any child born during a marriage, which is terminated by a divorce decree or decree of dissolution of marriage, is found not to be issue of such marriage, the child or his representative may bring an action in the Superior Court to establish the paternity of the child within one year after the date of the judgment of divorce or decree of dissolution of the marriage of his natural mother, notwithstanding the provisions of section 46b-160.**]**

Sec. 113. Section 46b-60 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2022*):

In connection with any petition for annulment under this chapter, the Superior Court may make such order regarding any child of the marriage and concerning alimony as it might make in an action for

dissolution of marriage. The issue of any void or voidable marriage shall be deemed [legitimate] a child of the marriage. Any child born before, on or after October 1, 1976, whose birth occurred prior to the marriage of his parents shall be deemed a child of the marriage.

Sec. 114. Section 46b-61 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2022*):

(a) In all cases in which the parents of a minor child live separately, the superior court for the judicial district where [either] any parent resides may, on the application of [either] any parent and after notice is given to the other parent or parents, make any order as to the custody, care, education, visitation and support of any minor child of the parents, subject to the provisions of sections 46b-54, 46b-56, 46b-57 and 46b-66. Proceedings to obtain such orders shall be commenced by service of an application, a summons and an order to show cause. An applicant shall file the accompanying documents with the court not later than the first date for which the matter appears on the docket.

(b) As used in this section, "accompanying documents" means documents that establish an existing legal relationship between the parents and the child for whom an application for custody, care, education, visitation and support is made under this section. "Accompanying documents" include, but are not limited to, a copy of a birth certificate naming the applicant and the respondent as the parents of the child, a copy of a properly executed acknowledgment of [paternity] parentage, a court order or decree naming the legally responsible parents, including adoptive parents, a [gestational] surrogacy agreement as defined in section 7-36, as amended by this act, documents showing that the minor child was born during the parents' wedlock or other sufficient evidence within the discretion of the court.

Sec. 115. Subsections (a) and (b) of section 46b-62 of the general statutes are repealed and the following is substituted in lieu thereof (*Effective January 1, 2022*):

(a) In any proceeding seeking relief under the provisions of this

chapter and sections 17b-743, 17b-744, [45a-257] 45a-257b, as amended by this act, 46b-1, as amended by this act, 46b-6, 46b-301 to 46b-425, inclusive, 47-14g, 51-348a and 52-362, the court may order either spouse or, if such proceeding concerns the custody, care, education, visitation or support of a minor child, [either] any parent to pay the reasonable attorney's fees of the other in accordance with their respective financial abilities and the criteria set forth in section 46b-82. If, in any proceeding under this chapter and said sections, the court appoints counsel or a guardian ad litem for a minor child, the court may order [the father, mother] a parent or an intervening party, individually or in any combination, to pay the reasonable fees of such counsel or guardian ad litem or may order the payment of such counsel's or guardian ad litem's fees in whole or in part from the estate of the child. If the child is receiving or has received state aid or care, the compensation of such counsel or guardian ad litem shall be established and paid by the Public Defender Services Commission.

(b) If, in any proceeding under this chapter and sections 17b-743, 17b-744, [45a-257] 45a-257b, as amended by this act, 46b-1, as amended by this act, 46b-6, 46b-301 to 46b-425, inclusive, 47-14g, 51-348a and 52-362, the court appoints counsel or a guardian ad litem for a minor child, the court may not order [the father, mother] a parent or an intervening party, individually or in any combination, to pay the reasonable fees of such counsel or guardian ad litem from a college savings account, including any account established pursuant to any qualified tuition program, as defined in Section 529(b) of the Internal Revenue Code, that has been established for the benefit of the minor child. If the court determines that [the father, mother] a parent or an intervening party does not have the ability to pay such reasonable fees, the court shall not order that such reasonable fees be paid by such persons through the use of a credit card. In addition, any order for the payment of such reasonable fees shall be limited to income or assets that are not exempt property under sections 52-352a and 52-352b.

Sec. 116. Subdivision (1) of subsection (b) of section 46b-121 of the general statutes is repealed and the following is substituted in lieu

thereof (*Effective January 1, 2022*):

(b) (1) In juvenile matters, the Superior Court shall have authority to make and enforce such orders directed to parents, including any person who acknowledges before the court **[**paternity**]** parentage of a child born **[**out of wedlock**]** to parents not married to each other, guardians, custodians or other adult persons owing some legal duty to a child therein, as the court deems necessary or appropriate to secure the welfare, protection, proper care and suitable support of a child subject to the court's jurisdiction or otherwise committed to or in the custody of the Commissioner of Children and Families. The Superior Court may order a local or regional board of education to provide to the court educational records of a child for the purpose of determining the need for services or placement of the child. In proceedings concerning a child charged with a delinquent act or with being from a family with service needs, records produced subject to such an order shall be maintained under seal by the court and shall be released only after a hearing or with the consent of the child. Educational records obtained pursuant to this section shall be used only for dispositional purposes. In addition, with respect to proceedings concerning delinquent children, the Superior Court shall have authority to make and enforce such orders as the court deems necessary or appropriate to provide individualized supervision, care, accountability and treatment to such child in a manner consistent with public safety, deter the child from the commission of further delinquent acts, ensure that the child is responsive to the court process, ensure that the safety of any other person will not be endangered and provide restitution to any victim. The Superior Court shall also have authority to grant and enforce temporary and permanent injunctive relief in all proceedings concerning juvenile matters.

Sec. 117. Subsection (c) of section 46b-129 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2022*):

(c) The preliminary hearing on the order of temporary custody or order to appear or the first hearing on a petition filed pursuant to

subsection (a) of this section shall be held in order for the court to:

(1) Advise the parent or guardian of the allegations contained in all petitions and applications that are the subject of the hearing and the parent's or guardian's right to counsel pursuant to subsection (b) of section 46b-135;

(2) Ensure that an attorney, and where appropriate, a separate guardian ad litem has been appointed to represent the child or youth in accordance with subsection (b) of section 51-296a and sections 46b-129a and 46b-136;

(3) Upon request, appoint an attorney to represent the respondent when the respondent is unable to afford representation, in accordance with subsection (b) of section 51-296a;

(4) Advise the parent or guardian of the right to a hearing on the petitions and applications, to be held not later than ten days after the date of the preliminary hearing if the hearing is pursuant to an order of temporary custody or an order to show cause;

(5) Accept a plea regarding the truth of the allegations;

(6) Make any interim orders, including visitation orders, that the court determines are in the best interests of the child or youth. The court, after a hearing pursuant to this subsection, shall order specific steps the commissioner and the parent or guardian shall take for the parent or guardian to regain or to retain custody of the child or youth;

(7) Take steps to determine the identity of the **[**father**]** alleged genetic parent of the child or youth, including, if necessary, inquiring of the **[**mother**]** birth parent of the child or youth, under oath, as to the identity and address of any person who might be the **[**father**]** genetic parent of the child or youth and ordering genetic testing, and order service of the petition and notice of the hearing date, if any, to be made upon **[**him**]** such alleged genetic parent;

(8) If the person named as the **[**father**]** alleged genetic parent appears

and admits that [he] such person is the [father, provide him] genetic parent, provide such person and the [mother] birth parent with the notices that comply with section 17b-27, as amended by this act, and provide them with the opportunity to sign [a paternity acknowledgment and affirmation] an acknowledgment of parentage on forms that comply with section 17b-27, as amended by this act. Such documents shall be executed and filed in accordance with chapter 815y and a copy delivered to the clerk of the superior court for juvenile matters. The clerk of the superior court for juvenile matters shall send the original [paternity acknowledgment and affirmation] acknowledgment of parentage to the Department of Public Health for filing in the [paternity] parentage registry maintained under section 19a-42a, as amended by this act, and shall maintain a copy of the [paternity acknowledgment and affirmation] acknowledgment of parentage in the court file;

(9) If the person named as [a father] an alleged genetic parent appears and denies that [he is the father] such person is the genetic parent of the child or youth, order genetic testing to determine [paternity] parentage in accordance with [section 46b-168. If the results of the genetic tests indicate a ninety-nine per cent or greater probability that the person named as father is the father of the child or youth, such results shall constitute a rebuttable presumption that the person named as father is the father of the child or youth, provided the court finds evidence that sexual intercourse occurred between the mother and the person named as father during the period of time in which the child was conceived. If the court finds such rebuttable presumption, the court may issue judgment adjudicating paternity after providing the father an opportunity for a hearing] the Connecticut Parentage Act. The clerk of the court shall send a certified copy of any judgment adjudicating [paternity] parentage to the Department of Public Health for filing in the [paternity] parentage registry maintained under section 19a-42a, as amended by this act. If the results of the genetic tests indicate that the person named as [father] the alleged genetic parent is not the [biological father] genetic parent of the child or youth, the court shall enter a judgment that [he] such person is not the [father] genetic parent and the

court shall remove **[**him**]** such person from the case and afford **[**him**]** such person no further standing in the case or in any subsequent proceeding regarding the child or youth;

(10) Identify any person or persons related to the child or youth by blood, **[**or**]** marriage or law residing in this state who might serve as licensed foster parents or temporary custodians and order the Commissioner of Children and Families to investigate and report to the court, not later than thirty days after the preliminary hearing, the appropriateness of placing the child or youth with such relative or relatives; and

(11) In accordance with the provisions of the Interstate Compact on the Placement of Children pursuant to section 17a-175, identify any person or persons related to the child or youth by blood, **[**or**]** marriage or law residing out of state who might serve as licensed foster parents or temporary custodians, and order the Commissioner of Children and Families to investigate and determine, within a reasonable time, the appropriateness of placing the child or youth with such relative or relatives.

Sec. 118. Section 46b-160 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2022*):

**[**(a) (1) (A) Proceedings to establish paternity of a child born or conceived out of lawful wedlock, including one born to, or conceived by, a married woman but begotten by a man other than her husband, shall be commenced by the service on the putative father of a verified petition of the mother or expectant mother. Such petition may be brought at any time prior to the child's eighteenth birthday, provided liability for past support shall be limited to the three years next preceding the date of the filing of any such petition.

(B) In cases involving public assistance recipients, the petition shall also be served upon the Attorney General who shall be and remain a party to any paternity proceeding and to any proceedings after judgment in such action.

(2) The verified petition, summons and order shall be filed in the superior court for the judicial district in which either she or the putative father resides, except that in IV-D support cases, as defined in subdivision (13) of subsection (b) of section 46b-231, and in petitions brought under sections 46b-301 to 46b-425, inclusive, such petition shall be filed with the clerk for the Family Support Magistrate Division serving the judicial district where either she or the putative father resides.**]**

**[**(3) (A) The**]** (a) (1) (A) Except for petitions in uncontested actions brought pursuant to sections 59, 70 and 74 of this act, when a petition to adjudicate parentage pursuant to section 37 of this act or sections 40 to 77, inclusive, of this act, is filed, the court, or any judge or family support magistrate assigned to **[**said**]** the court, shall cause a summons, signed by such judge or magistrate, by the clerk of **[**said**]** the court, or by a commissioner of the Superior Court to be issued, requiring the **[**putative father**]** alleged parent to appear in court at a time and place as determined by the clerk but not more than ninety days after the issuance of the summons to show cause why the request for relief in such petition should not be granted.

(B) A state marshal, proper officer or investigator shall make due return of process to the court not less than twenty-one days before the date assigned for hearing. In the case of a child or **[**expectant mother**]** pregnant person being supported wholly or in part by the state, service of such petition may be made by any investigator employed by the Department of Social Services and any proper officer authorized by law.

**[**(4)**]** (2) If the **[**putative father**]** alleged parent fails to appear in court at such time and place, the court or family support magistrate shall hear the petitioner and, upon a finding that process was served on the **[**putative father**]** alleged parent, shall enter a default judgment of **[**paternity**]** parentage against such **[**father**]** parent and such other orders as the facts may warrant. **[**Such**]** In addition, such court or family support magistrate may order **[**continuance of**]** that such hearing **[**; and if such mother or expectant mother continues constant in her accusation,

it shall be evidence that the respondent is the father of such child**]** be continued. The court or family support magistrate shall, upon motion by a party, issue an order for temporary support of the child by the respondent pending a final judgment of the issue of **[**paternity**]** parentage if such court or magistrate finds that there is clear and convincing evidence of **[**paternity**]** parentage which evidence in cases involving alleged genetic parents shall include, but not be limited to, genetic test results **[**indicating a ninety-nine per cent or greater probability that such respondent is the father of the child**]** that meet the requirements of section 45 of this act.

(b) If the **[**putative father**]** alleged parent resides out of or is absent from the state, notice required for the exercise of jurisdiction over such **[**putative father**]** alleged parent shall be actual notice, and shall be in the manner prescribed for personal service of process by the law of the place in which service is made.

(c) In any proceeding to establish **[**paternity**]** parentage, the court or family support magistrate may exercise personal jurisdiction over a nonresident **[**putative father**]** alleged parent if the court or magistrate finds that the **[**putative father**]** alleged parent was personally served in this state or that the **[**putative father**]** alleged parent resided in this state and while residing in this state (1) paid prenatal expenses for the **[**mother**]** birth parent and support for the child, (2) resided with the child and held himself or herself out as the **[**father**]** parent of the child, or (3) paid support for the child and held himself or herself out as the **[**father**]** parent of the child, provided the nonresident **[**putative father**]** alleged parent has received actual notice of the pending petition for **[**paternity**]** parentage pursuant to this subsection. **[**(c) of this section.**]**

(d) The petition, when served pursuant to subsection (c) of this section, shall be accompanied by an answer form, a notice to the **[**putative father**]** alleged parent and an application for appointment of counsel, written in clear and simple language designed for use by pro se defendants.

(e) (1) The answer form shall require the **[**putative father**]** alleged

parent to indicate whether [he] the alleged parent admits or denies that [he is the father, denies that he is the father] the alleged parent is a parent or does not know whether [he is the father] the alleged parent is a parent of the child. Any response to the answer form shall not be deemed to waive any jurisdictional defense.

(2) The notice to the [putative father shall inform him] alleged parent shall inform the alleged parent that (A) [he] the alleged parent has a right to be represented by an attorney, and if [he] the alleged parent is indigent, the court will appoint an attorney for [him] such parent, (B) if [he] the alleged parent is found to be the [father, he] parent, the alleged parent will be required to financially support the child until the child attains the age of eighteen years, (C) if [he] the alleged parent does not admit [he is the father] parentage and such person is alleged to be a genetic parent, the court or family support magistrate may, pursuant to section 44 of this act, order a genetic test to determine [paternity] parentage and that the cost of such test shall be paid by the state in IV-D support cases, and in non-IV-D cases shall be paid by the petitioner, except that if [he] the alleged parent is subsequently adjudicated to be the [father] parent of the child, [he] such person shall be liable to the state or the petitioner, as the case may be, for the amount of such cost, and (D) if [he] the alleged parent fails to return the answer form or fails to appear for a scheduled genetic test without good cause, a default judgment of parentage shall be entered.

(3) The application for appointment of counsel shall include a financial affidavit.

(f) If the court or family support magistrate may exercise personal jurisdiction over the nonresident [putative father] alleged parent pursuant to subsection (d) of this section and the answer form is returned and the [putative father] alleged parent does not admit [paternity] parentage, in cases in which the alleged parent is an alleged genetic parent, the court shall order [the mother, the child and the putative father to submit to] genetic tests pursuant to section 42 of this act. Such order shall be served upon the [putative father] alleged parent

in the same manner as provided in subsection (c) of this section. **[**The genetic test of the putative father, unless he requests otherwise,**]** Unless the alleged genetic parent requests otherwise, the genetic test of the alleged genetic parent shall be made in the state where the **[**putative father**]** alleged genetic parent resides at a location convenient to him or her. The costs of such test shall be paid by the state in IV-D support cases, and in non-IV-D cases shall be paid by the petitioner, except that if the **[**putative father**]** alleged genetic parent is subsequently adjudicated the **[**father**]** parent of the child, **[**he**]** such person shall be liable to the state or the petitioner, as the case may be, for the amount of the costs.

(g) The court or family support magistrate shall enter a default judgment against a nonresident **[**putative father**]** alleged parent if such **[**putative father**]** alleged parent (1) fails to answer or otherwise respond to the petition, or (2) in cases in which the alleged parent is an alleged genetic parent, fails to appear for a scheduled genetic test without good cause, provided a default judgment shall not be entered against a nonresident **[**putative father**]** alleged parent unless (A) there is evidence that the nonresident **[**putative father**]** alleged parent has received actual notice of the petition pursuant to subsection **[**(c)**]** (b) of this section and (B) there is verification that the process served upon the **[**putative father**]** alleged parent included the answer form, notice to the defendant and an application for appointment of counsel required by subsection **[**(e)**]** (d) of this section. Upon entry of a default judgment, a copy of the judgment and a form for a motion to reopen shall be served upon the **[**father**]** adjudicated parent in the same manner as provided in subsection **[**(c)**]** (b) of this section.

Sec. 119. Section 46b-161 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2022*)

In the case of any such petition brought prior to the birth of the child, no final trial on the issue of **[**paternity**]** the alleged parent's parentage shall be had, except as to hearing on probable cause, until after the birth of the child. In such hearing on probable cause the court, on the day on

which the defendant has been summoned to appear, shall determine whether probable cause exists, and if so, the court shall order the defendant to become bound to the complainant, with surety to appear on a date certain for final determination, or further continuance as circumstances may then require.

Sec. 120. Section 46b-162 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2022*):

The state or any town interested in the support of a child born **[**out of wedlock may, if the mother**]** to parents not married to each other may, if the parent who gave birth neglects to bring **[**such**]** a petition, institute such proceedings against the **[**person accused of begetting the child**]** alleged parent, and may take up and pursue any petition commenced by the **[**mother**]** parent who gave birth for the maintenance of the child, if **[**she**]** the parent who gave birth fails to prosecute to final judgment. **[**Such**]** The petition may be made by the Commissioner of Social Services or the town welfare administrator on information or belief. The **[**mother of**]** parent who gave birth to the child may be subpoenaed for testimony on the hearing of the petition.

Sec. 121. Section 46b-165 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2022*):

**[**The mother of any child for whom adjudication of paternity is sought in paternity proceedings shall not be excused from testifying because her evidence may tend to disgrace or incriminate her; nor shall she thereafter**]** In parentage proceedings concerning a child for whom parentage is sought, a parent or alleged parent shall not be prosecuted for any criminal act about which (1) **[**she**]** the parent or alleged parent testifies in connection with such proceedings, or (2) **[**she**]** the parent or alleged parent makes any statement prior to such proceedings with respect to the issue of **[**paternity**]** parentage.

Sec. 122. Section 46b-168 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2022*):

**[**(a) In any proceeding in which the question of paternity is at issue the court or a family support magistrate, on motion of any party, may order genetic tests which shall mean deoxyribonucleic acid tests, to be performed by a hospital, accredited laboratory, qualified physician or other qualified person designated by the court, to determine whether or not the putative father or husband is the father of the child. The results of such tests, whether ordered under this section or required by the IV-D agency under section 46b-168a, shall be admissible in evidence to either establish definite exclusion of the putative father or husband or as evidence that he is the father of the child without the need for foundation testimony or other proof of authenticity or accuracy, unless objection is made in writing not later than twenty days prior to the hearing at which such results may be introduced in evidence.

(b) In any proceeding in which the question of paternity is at issue, the results of such genetic tests, whether ordered under this section or required by the IV-D agency under section 46b-168a, shall constitute a rebuttable presumption that the putative father is the father of the child if the results of such tests indicate a ninety-nine per cent or greater probability that he is the father of the child, provided the petitioner has presented evidence that sexual intercourse occurred between the mother and the putative father during the period of time in which the child was conceived.**]**

**[**(c)**]** The costs of **[**making tests provided by this section**]** genetic tests carried out pursuant to the Connecticut Parentage Act shall be chargeable against the party making the motion for genetic tests, provided if the court finds that such party is a low-income obligor, as defined in the child support guidelines established pursuant to section 46b-215a, or is otherwise indigent and unable to pay such costs, such costs shall be paid by the state.

Sec. 123. Section 46b-168a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2022*):

(a) In any IV-D support case, as defined in subdivision (13) of subsection (b) of section 46b-231, in which the **[**paternity**]** parentage of a

child is at issue, or in any case in which a support enforcement agency is providing services to a petitioner in a proceeding under sections 46b-301 to 46b-425, inclusive, in which the **[**paternity**]** parentage of a child is at issue, the IV-D agency or the support enforcement agency shall require the child and all other parties other than individuals who have good cause for refusing to cooperate or who are subject to other exceptions to submit to genetic tests **[**which shall mean deoxyribonucleic acid tests, to be performed by a hospital, accredited laboratory, qualified physician or other qualified person designated by such agency**]** in accordance with sections 40 to 50, inclusive, of this act, to determine whether or not the **[**putative father or husband is the father of the child**]** alleged genetic parent is the genetic parent of the child, upon the request of any such party, provided such request is supported by a sworn statement by the party which either (1) alleges **[**paternity**]** parentage and sets forth facts establishing a reasonable possibility of the requisite sexual contact between the parties, or (2) denies **[**paternity**]** parentage and sets forth facts establishing a reasonable possibility of the nonexistence of sexual contact between the parties.

(b) The costs of making the tests provided by this section shall be paid by the state, except that if the **[**putative father**]** alleged genetic parent is the requesting party and **[**he**]** subsequently acknowledges **[**paternity**]** parentage or is adjudicated to be the **[**father**]** parent of the child, **[**he**]** such person shall be liable to the state for the amount of such costs unless **[**he**]** such person is found to be (1) a low-income obligor, as defined in the child support guidelines established pursuant to section 46b-215a, or (2) otherwise indigent and unable to pay such costs. Any court or family support magistrate may order a **[**father**]** person who is found liable for genetic testing costs under this subsection to reimburse the state for the amount of such costs. The contesting party shall make advance payment for any additional testing required in the event of a contest of the original test results.

(c) The Commissioner of Social Services shall adopt regulations, in accordance with the provisions of chapter 54, to establish criteria for determining (1) good cause or other exceptions for refusing to cooperate

under subsection (a) of this section, which shall include, but not be limited to, domestic violence, sexual abuse and lack of information and shall take into account the best interests of the child, and (2) the sufficiency of the facts establishing a reasonable possibility of the existence or nonexistence of the requisite sexual contact between the parties, as required under subsection (a) of this section.

Sec. 124. Section 46b-169 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2022*):

(a) If the **[**mother**]** birth parent of any child born **[**out of wedlock, or the mother of any child born to any married woman during marriage which child shall be found not to be issue of the marriage terminated by a decree of divorce or dissolution or by decree of any court of competent jurisdiction**]** to parents unmarried to each other, fails or refuses to disclose the name of the **[**putative father**]** alleged genetic parent of such child under oath to the Commissioner of Social Services, if such child is a recipient of public assistance, or otherwise to a guardian or a guardian ad litem of such child, such **[**mother**]** birth parent may be cited to appear before any judge of the Superior Court and compelled to disclose the name of the **[**putative father**]** alleged genetic parent under oath and to institute an action to establish the **[**paternity of said**]** parentage of such child. The criteria adopted by the Commissioner of Social Services pursuant to subsection (c) of section 46b-168a, as amended by this act, shall apply to establish good cause or other exceptions for refusing to cooperate with the provisions of this subsection.

(b) Any **[**woman**]** birth parent who, having been cited to appear before a judge of the Superior Court pursuant to subsection (a) of this section, fails to appear or fails to disclose or fails to **[**prosecute a paternity**]** proceed with a parentage action may be found to be in contempt of court and may be fined not more than two hundred dollars or imprisoned not more than one year, or both.

Sec. 125. Section 46b-170 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2022*):

No petition under section 46b-160, as amended by this act, shall be withdrawn except upon approval of a judge or in IV-D support cases as defined in subsection (b) of section 46b-231, as amended by this act, and petitions brought under sections 46b-301 to 46b-425, inclusive, the family support magistrate assigned to the judicial district in which the petition was brought. Any agreement of settlement, before or after a petition has been brought, other than an agreement made under the provisions of section 46b-172, as amended by this act, between the **[**mother and putative father**]** parent who gave birth and an alleged parent shall take effect only upon approval of the terms thereof by a judge of the Superior Court, or family support magistrate assigned to the judicial district in which the **[**mother or the putative father**]** parent who gave birth or the alleged parent resides and, in the case of children supported by the state or the town, on the approval of the Commissioner of Social Services or the Attorney General. When so approved, such agreements shall be binding upon all persons executing them, whether such person is a minor or an adult.

Sec. 126. Subsections (a) and (b) of section 46b-171 of the general statutes are repealed and the following is substituted in lieu thereof (*Effective January 1, 2022*):

(a) (1) (A) If the defendant is found to be the **[**father**]** parent of the child, the court or family support magistrate shall order the defendant to stand charged with the support and maintenance of such child, with the assistance of **[**the mother if such mother**]** any other parent if such parent is financially able, as the court or family support magistrate finds, in accordance with the provisions of subsection (b) of section 17b-179, or section 17a-90, 17b-81, 17b-223, 17b-745, 46b-129, as amended by this act, 46b-130 or 46b-215, as amended by this act, to be reasonably commensurate with the financial ability of the defendant, and to pay a certain sum periodically until the child attains the age of eighteen years or as otherwise provided in this subsection. If such child is unmarried and a full-time high school student, such support shall continue according to the parents' respective abilities, if such child is in need of support, until such child completes the twelfth grade or attains the age

of nineteen, whichever occurs first.

(B) The court or family support magistrate shall order the defendant to pay such sum to the complainant, or, if a town or the state has paid such expense, to the town or the state, as the case may be, and shall grant execution for the same and costs of suit taxed as in other civil actions, together with a reasonable attorney's fee, and may require the defendant to become bound with sufficient surety to perform such orders for support and maintenance. In IV-D support cases, the IV-D agency or a support enforcement agency under cooperative agreement with the IV-D agency may, upon notice to the obligor and obligee, redirect payments for the support of any child receiving child support enforcement services either to the state of Connecticut or to the present custodial party, as their interests may appear, provided neither the obligor nor the obligee objects in writing within ten business days from the mailing date of such notice. Any such notice shall be sent by first class mail to the most recent address of such obligor and obligee, as recorded in the state case registry pursuant to section 46b-218, as amended by this act, and a copy of such notice shall be filed with the court or family support magistrate if both the obligor and obligee fail to object to the redirected payments within ten business days from the mailing date of such notice. All payments made shall be distributed as required by Title IV-D of the Social Security Act.

(2) In addition, the court or family support magistrate shall include in each support order in a IV-D support case a provision for the health care coverage of the child. Such provision may include an order for either parent or both parents to provide such coverage under any or all of subparagraphs (A), (B) or (C) of this subdivision.

(A) The provision for health care coverage may include an order for either parent to name any child as a beneficiary of any medical or dental insurance or benefit plan carried by such parent or available to such parent at a reasonable cost as described in subparagraph (D) of this subdivision. If such order requires the parent to maintain insurance available through an employer, the order shall be enforced using a

National Medical Support Notice as provided in section 46b-88.

(B) The provision for health care coverage may include an order for either parent to: (i) Apply for and maintain coverage on behalf of the child under the HUSKY Plan, Part B; or (ii) provide cash medical support, as described in subparagraphs (E) and (F) of this subdivision. An order under this subparagraph shall be made only if the cost to the parent obligated to maintain coverage under the HUSKY Plan, Part B, or provide cash medical support is reasonable, as described in subparagraph (D) of this subdivision. An order under clause (i) of this subparagraph shall be made only if insurance coverage as described in subparagraph (A) of this subdivision is unavailable at reasonable cost to either parent, or inaccessible to the child.

(C) An order for payment of the child's medical and dental expenses, other than those described in clause (ii) of subparagraph (E) of this subdivision, that are not covered by insurance or reimbursed in any other manner shall be entered in accordance with the child support guidelines established pursuant to section 46b-215a.

(D) Health care coverage shall be deemed reasonable in cost if: (i) The parent obligated to maintain such coverage would qualify as a low-income obligor under the child support guidelines established pursuant to section 46b-215a, based solely on such parent's income, and the cost does not exceed five per cent of such parent's net income; or (ii) the parent obligated to maintain such coverage would not qualify as a low-income obligor under such guidelines and the cost does not exceed seven and one-half per cent of such parent's net income. In either case, net income shall be determined in accordance with the child support guidelines established pursuant to section 46b-215a. If a parent obligated to maintain insurance must obtain coverage for himself or herself to comply with the order to provide coverage for the child, reasonable cost shall be determined based on the combined cost of coverage for such parent and such child.

(E) Cash medical support means (i) an amount ordered to be paid toward the cost of premiums for health insurance coverage provided by

a public entity, including the HUSKY Plan, Part A or Part B, except as provided in subparagraph (F) of this subdivision, or by another parent through employment or otherwise, or (ii) an amount ordered to be paid, either directly to a medical provider or to the person obligated to pay such provider, toward any ongoing extraordinary medical and dental expenses of the child that are not covered by insurance or reimbursed in any other manner, provided such expenses are documented and identified specifically on the record. Cash medical support, as described in clauses (i) and (ii) of this subparagraph, may be ordered in lieu of an order under subparagraph (A) of this subdivision to be effective until such time as health insurance that is accessible to the child and reasonable in cost becomes available, or in addition to an order under subparagraph (A) of this subdivision, provided the total cost to the obligated parent of insurance and cash medical support is reasonable, as described in subparagraph (D) of this subdivision. An order for cash medical support shall be payable to the state or the custodial party, as their interests may appear, provided an order under clause (i) of this subparagraph shall be effective only as long as health insurance coverage is maintained. Any unreimbursed medical and dental expenses not covered by an order pursuant to clause (ii) of this subparagraph are subject to an order for unreimbursed medical and dental expenses pursuant to subparagraph (C) of this subdivision.

(F) Cash medical support to offset the cost of any insurance payable under the HUSKY Plan, Part A or Part B, shall not be ordered against a noncustodial parent who is a low-income obligor, as defined in the child support guidelines established pursuant to section 46b-215a, or against a custodial parent of children covered under the HUSKY Plan, Part A or Part B.

(3) The court or family support magistrate may also make and enforce orders for the payment by any person named herein of past-due support for which the defendant is liable in accordance with the provisions of section 17a-90 or 17b-81, subsection (b) of section 17b-179 or section 17b-223, 46b-129, as amended by this act, or 46b-130 and, in IV-D cases, order such person, provided such person is not incapacitated, to participate in

work activities which may include, but shall not be limited to, job search, training, work experience and participation in the job training and retraining program established by the Labor Commissioner pursuant to section 31-3t. The defendant's liability for past-due support under this subdivision shall be limited to the three years next preceding the filing of the petition.

(4) If the defendant fails to comply with any order made under this section, the court or family support magistrate may commit the defendant to a community correctional center, there to remain until the defendant complies therewith; but, if it appears that the **[**mother**]** parent receiving support does not apply the periodic allowance paid by the defendant toward the support of such child, and that such child is chargeable, or likely to become chargeable, to the town where it belongs, the court, on application, may discontinue such allowance to the **[**mother**]** parent receiving support, and may direct **[**it**]** such allowance to be paid to the selectmen of such town, for such support, and may issue execution in their favor for the same. The provisions of section 17b-743 shall apply to this section. The clerk of the court which has rendered judgment for the payment of money for the maintenance of any child under the provisions of this section shall, within twenty-four hours after such judgment has been rendered, notify the selectmen of the town where the child belongs.

(5) Any support order made under this section may at any time thereafter be set aside, altered or modified by any court issuing such order upon a showing of a substantial change in the circumstances of the defendant or **[**the mother**]** another parent of such child or upon a showing that such order substantially deviates from the child support guidelines established pursuant to section 46b-215a, unless there was a specific finding on the record that the application of the guidelines would be inequitable or inappropriate. There shall be a rebuttable presumption that any deviation of less than fifteen per cent from the child support guidelines is not substantial and any deviation of fifteen per cent or more from the guidelines is substantial. **[**Modification may be made of such support order without regard to whether the order was

issued before, on or after May 9, 1991.**]** No such support orders may be subject to retroactive modification, except that the court may order modification with respect to any period during which there is a pending motion for a modification of an existing support order from the date of service of the notice of such pending motion upon the opposing party pursuant to section 52-50.

(6) Failure of the defendant to obey any order for support made under this section may be punished as for contempt of court and the costs of commitment of any person imprisoned therefor shall be paid by the state as in criminal cases.

(b) Whenever the Superior Court or family support magistrate reopens a judgment of **[**paternity**]** parentage entered pursuant to this section in which a person was found to be the **[**father**]** parent of a child who is or has been supported by the state and the court or family support magistrate finds that the person adjudicated the **[**father**]** parent is not the **[**father**]** parent of the child, the Department of Social Services shall refund to such person any money paid to the state by such person during the period such child was supported by the state.

Sec. 127. Section 46b-172 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2022*):

**[**(a) (1) In lieu of or in conclusion of proceedings under section 46b-160, a written acknowledgment of paternity executed and sworn to by the putative father of the child when accompanied by (A) an attested waiver of the right to a blood test, the right to a trial and the right to an attorney, (B) a written affirmation of paternity executed and sworn to by the mother of the child, and (C) if the person subject to the acknowledgment of paternity is an adult eighteen years of age or older, a notarized affidavit affirming consent to the voluntary acknowledgment of paternity, shall have the same force and effect as a judgment of the Superior Court. It shall be considered a legal finding of paternity without requiring or permitting judicial ratification, and shall be binding on the person executing the same whether such person is an adult or a minor, subject to subdivision (2) of this subsection. Such

acknowledgment shall not be binding unless, prior to the signing of any affirmation or acknowledgment of paternity, the mother and the putative father are given oral and written notice of the alternatives to, the legal consequences of, and the rights and responsibilities that arise from signing such affirmation or acknowledgment. The notice to the mother shall include, but shall not be limited to, notice that the affirmation of paternity may result in rights of custody and visitation, as well as a duty of support, in the person named as father. The notice to the putative father shall include, but not be limited to, notice that such father has the right to contest paternity, including the right to appointment of counsel, a genetic test to determine paternity and a trial by the Superior Court or a family support magistrate and that acknowledgment of paternity will make such father liable for the financial support of the child until the child's eighteenth birthday. In addition, the notice shall inform the mother and the father that DNA testing may be able to establish paternity with a high degree of accuracy and may, under certain circumstances, be available at state expense. The notices shall also explain the right to rescind the acknowledgment, as set forth in subdivision (2) of this subsection, including the address where such notice of rescission should be sent, and shall explain that the acknowledgment cannot be challenged after sixty days, except in court upon a showing of fraud, duress or material mistake of fact.

(2) The mother and the acknowledged father shall have the right to rescind such affirmation or acknowledgment in writing within the earlier of (A) sixty days, or (B) the date of an agreement to support such child approved in accordance with subsection (b) of this section or an order of support for such child entered in a proceeding under subsection (c) of this section. An acknowledgment executed in accordance with subdivision (1) of this subsection may be challenged in court or before a family support magistrate after the rescission period only on the basis of fraud, duress or material mistake of fact which may include evidence that he is not the father, with the burden of proof upon the challenger. During the pendency of any such challenge, any responsibilities arising from such acknowledgment shall continue except for good cause shown.

(3) All written notices, waivers, affirmations and acknowledgments required under subdivision (1) of this subsection, and rescissions authorized under subdivision (2) of this subsection, shall be on forms prescribed by the Department of Public Health, provided such acknowledgment form includes the minimum requirements specified by the Secretary of the United States Department of Health and Human Services. All acknowledgments and rescissions executed in accordance with this subsection shall be filed in the paternity registry established and maintained by the Department of Public Health under section 19a-42a.

(4) An acknowledgment of paternity signed in any other state according to its procedures shall be given full faith and credit by this state.**]**

**[**(b)**]** (a) (1) An agreement to support the child by payment of a periodic sum until the child attains the age of eighteen years or as otherwise provided in this subsection, together with provisions for reimbursement for past-due support based upon ability to pay in accordance with the provisions of section 17a-90 or 17b-81, subsection (b) of section 17b-179 or section 17b-223, 46b-129, as amended by this act, or 46b-130, and reasonable expense of prosecution of the petition, when filed with and approved by a judge of the Superior Court, or in IV-D support cases and matters brought under sections 46b-301 to 46b-425, inclusive, a family support magistrate at any time, shall have the same force and effect, retroactively or prospectively in accordance with the terms of the agreement, as an order of support entered by the court, and shall be enforceable and subject to modification in the same manner as is provided by law for orders of the court in such cases. If such child is unmarried and a full-time high school student, such support shall continue according to the parents' respective abilities to pay, if such child is in need of support, until such child completes the twelfth grade or attains the age of nineteen, whichever occurs first.

(2) Past-due support in such cases shall be limited to the three years next preceding the date of the filing of such agreements to support.

(3) Payments under such agreement shall be made to the petitioner, except that in IV-D support cases, as defined in subsection (b) of section 46b-231, as amended by this act, payments shall be made to the Office of Child Support Services or its designated agency and distributed as required by Title IV-D of the Social Security Act. In IV-D support cases, the IV-D agency or a support enforcement agency under cooperative agreement with the IV-D agency may, upon notice to the obligor and obligee, redirect payments for the support of any child receiving child support enforcement services either to the state of Connecticut or to the present custodial party, as their interests may appear, provided neither the obligor nor the obligee objects in writing within ten business days from the mailing date of such notice. Any such notice shall be sent by first class mail to the most recent address of such obligor and obligee, as recorded in the state case registry pursuant to section 46b-218, as amended by this act, and a copy of such notice shall be filed with the court or family support magistrate if both the obligor and obligee fail to object to the redirected payments within ten business days from the mailing date of such notice.

(4) Such written agreements to support shall be sworn to, and shall be binding on the person executing the same whether he is an adult or a minor.

**[**(c)**]** (b) (1) At any time after the signing of any acknowledgment of **[**paternity**]** parentage, upon the application of any interested party, the court or any judge thereof or any family support magistrate in IV-D support cases and in matters brought under sections 46b-301 to 46b-425, inclusive, shall cause a summons, signed by such judge or family support magistrate, by the clerk of the court or by a commissioner of the Superior Court, to be issued, requiring the acknowledged **[**father**]** parent to appear in court at a time and place as determined by the clerk but not more than ninety days after the issuance of the summons, to show cause why the court or the family support magistrate assigned to the judicial district in IV-D support cases should not enter judgment for support of the child by payment of a periodic sum until the child attains the age of eighteen years or as otherwise provided in this subsection,

together with provision for reimbursement for past-due support based upon ability to pay in accordance with the provisions of section 17a-90 or 17b-81, subsection (b) of section 17b-179 or section 17b-223, 46b-129, as amended by this act, or 46b-130, a provision for health coverage of the child as required by section 46b-215, as amended by this act, and reasonable expense of the action under this subsection. If such child is unmarried and a full-time high school student such support shall continue according to the parents' respective abilities to pay, if such child is in need of support, until such child completes the twelfth grade or attains the age of nineteen, whichever occurs first.

(2) Past-due support in such cases shall be limited to the three years next preceding the filing of a petition pursuant to this section. Such court or family support magistrate, in IV-D support cases, may also order the acknowledged **[**father**]** parent who is subject to a plan for reimbursement of past-due support and is not incapacitated to participate in work activities which may include, but shall not be limited to, job search, training, work experience and participation in the job training and retraining program established by the Labor Commissioner pursuant to section 31-3t.

(3) Proceedings to obtain such orders of support shall be commenced by the service of such summons on the acknowledged **[**father**]** parent. A state marshal or proper officer shall make due return of process to the court not less than twenty-one days before the date assigned for hearing.

(4) The prior judgment as to paternity shall be res judicata as to that issue for all paternity acknowledgments filed with the court on or after March 1, 1981, but before July 1, 1997, and shall not be reconsidered by the court unless the person seeking review of the acknowledgment petitions the superior court for the judicial district having venue for a hearing on the issue of paternity within three years of such judgment. In addition to such review, if the acknowledgment of paternity was filed prior to March 1, 1981, the acknowledgment of paternity may be reviewed by denying the allegation of paternity in response to the initial petition for support, whenever it is filed.

(5) All payments under this subsection shall be made to the petitioner, except that in IV-D support cases, as defined in subsection (b) of section 46b-231, as amended by this act, payments shall be made to the state, acting by and through the IV-D agency and distributed as required by Title IV-D of the Social Security Act. In IV-D support cases, the IV-D agency or a support enforcement agency under cooperative agreement with the IV-D agency may, upon notice to the obligor and obligee, redirect payments for the support of any child receiving child support enforcement services either to the state of Connecticut or to the present custodial party, as their interests may appear, provided neither the obligor nor the obligee objects in writing within ten business days from the mailing date of such notice. Any such notice shall be sent by first class mail to the most recent address of such obligor and obligee, as recorded in the state case registry pursuant to section 46b-218, as amended by this act, and a copy of such notice shall be filed with the court or family support magistrate if both the obligor and obligee fail to object to the redirected payments within ten business days from the mailing date of such notice.

**[**(d) Whenever a petition is filed for review of an acknowledgment of paternity of a child who is or has been supported by the state, and review of such acknowledgment of paternity is granted by the court pursuant to subsection (c) of this section, and upon review, the court or family support magistrate finds that the petitioner is not the father of the child, the Department of Social Services shall refund to the petitioner any money paid by the petitioner to the state during any period such child was supported by the state.**]**

**[**(e)**]** (c) In IV-D support cases, as defined in subdivision (13) of subsection (b) of section 46b-231, a copy of any support order established pursuant to this section shall be provided to each party and the state case registry within fourteen days after issuance of such order or determination.

Sec. 128. Section 46b-172a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2022*):

(a) Any person claiming to be the [father of a child born out of wedlock may] alleged genetic parent of a child born to an unmarried birth parent and for whom parentage of the nonbirth parent has not yet been established shall file a claim for [paternity] parentage with the Probate Court for the district in which either the [mother] birth parent or the child resides, on forms provided by such court. The claim may be filed at any time during the life of the child, whether before, on or after the date the child reaches the age of eighteen, or after the death of the child, but not later than sixty days after the date of notice under section 45a-716, as amended by this act. The claim shall contain the claimant's name and address, the name and last-known address of the [mother] birth parent and the month and year of the birth or expected birth of the child. Not later than five days after the filing of a claim for [paternity] parentage, the court shall cause a certified copy of such claim to be served upon the [mother or prospective mother] birth parent of such child by personal service or service at [her] the birth parent's usual place of abode, and to the Attorney General by first class mail. The Attorney General may file an appearance and shall be and remain a party to the action if the child is receiving or has received aid or care from the state, or if the child is receiving child support enforcement services, as defined in subdivision (2) of subsection (b) of section 46b-231, as amended by this act. The claim for [paternity] parentage shall be admissible in any action for [paternity] parentage under section 46b-160, as amended by this act, and shall estop the claimant from denying [his paternity] parentage of such child and shall contain language that [he] such person acknowledges liability for contribution to the support and education of the child after the child's birth and for contribution to the pregnancy-related medical expenses of the [mother] birth parent.

(b) If a claim for [paternity] parentage is filed by the [father of any minor child born out of wedlock] alleged genetic parent of any minor child born to an unmarried birth parent, the Probate Court shall schedule a hearing on such claim, send notice of the hearing to all parties involved and proceed accordingly.

(c) The child shall be made a party to the action and shall be

represented by a guardian ad litem appointed by the court in accordance with section 45a-708. Payment shall be made in accordance with such section from funds appropriated to the Judicial Department, except that, if funds have not been included in the budget of the Judicial Department for such purposes, such payment shall be made from the Probate Court Administration Fund.

(d) In the event that the **[**mother or the claimant father**]** birth parent or the alleged genetic parent is a minor, the court shall appoint a guardian ad litem to represent him or her in accordance with the provisions of section 45a-708. Payment shall be made in accordance with said section from funds appropriated to the Judicial Department, except that, if funds have not been included in the budget of the Judicial Department for such purposes, such payment shall be made from the Probate Court Administration Fund.

(e) By filing a claim under this section, the **[**putative father**]** alleged genetic parent submits to the jurisdiction of the Probate Court.

(f) Once **[**alleged**]** parental rights of the **[**father**]** alleged genetic parent have been adjudicated in **[**his**]** such parent's favor under subsection (b) of this section, or acknowledged as provided for under **[**section 46b-172, his**]** sections 24 to 35, inclusive, of this act, such parent's rights and responsibilities shall be equivalent to those of the **[**mother**]** birth parent, including those rights defined under section 45a-606. Thereafter, disputes involving custody, visitation or support shall be transferred to the Superior Court under chapter 815j, except that the Probate Court may enter a temporary order for custody, visitation or support until an order is entered by the Superior Court.

(g) Failing perfection of parental rights as prescribed by this section, any person claiming to be the **[**father of a child born out of wedlock**]** alleged genetic parent of a child born to an unmarried birth parent (1) who has not been adjudicated the **[**father**]** parent of such child by a court of competent jurisdiction, or (2) who has not acknowledged in writing that **[**he**]** such person is the **[**father**]** parent of such child, or (3) who has not contributed regularly to the support of such child, or (4) whose name

does not appear on the birth certificate, shall cease to be a legal party in interest in any proceeding concerning the custody or welfare of the child, including, but not limited to, guardianship and adoption, unless **[**he**]** such person has shown a reasonable degree of interest, concern or responsibility for the child's welfare.

(h) Notwithstanding the provisions of this section, after the death of the **[**father of a child born out of wedlock**]** alleged genetic parent of a child born to an unmarried birth parent, a party deemed by the court to have a sufficient interest may file a claim for **[**paternity**]** parentage on behalf of such **[**father**]** alleged genetic parent with the Probate Court for the district in which either the **[**putative father**]** alleged genetic parent resided or the party filing the claim resides. If a claim for **[**paternity**]** parentage is filed pursuant to this subsection, the Probate Court shall schedule a hearing on such claim, send notice of the hearing to all parties involved and proceed accordingly.

Sec. 129. Section 46b-179 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2022*):

As used in sections 46b-179a to 46b-179d, inclusive, as amended by this act, foreign **[**paternity**]** parentage judgment means any judgment, decree or order of a court of any state in the United States, other than a court of this state, in an action which results in a final determination on the issue of **[**paternity**]** parentage except any such judgment, decree or order obtained by default in appearance.

Sec. 130. Section 46b-179a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2022*):

(a) Support Enforcement Services of the Superior Court shall maintain a registry in the Family Support Magistrate Division of **[**paternity**]** parentage judgments from other states. Any party to an action in which a **[**paternity**]** parentage judgment from another state was rendered may register the foreign **[**paternity**]** parentage judgment in the registry maintained by Support Enforcement Services without payment of a filing fee or other cost to the party.

(b) The party shall file a certified copy of the foreign **[**paternity**]** parentage judgment and a certification that such judgment is final and has not been modified, altered, amended, set aside or vacated and that the enforcement of such judgment has not been stayed or suspended. Such certificate shall set forth the full name and last-known address of the other party to the judgment.

Sec. 131. Section 46b-179b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2022*):

Such foreign **[**paternity**]** parentage judgment, on the filing with the registry maintained by Support Enforcement Services, shall become a judgment of the Family Support Magistrate Division of the Superior Court and shall be enforced and otherwise treated in the same manner as a judgment of the Family Support Magistrate Division. A foreign **[**paternity**]** parentage judgment so filed shall have the same effect and may be enforced in the same manner as any like judgment of a family support magistrate of this state, provided no such judgment shall be enforced for a period of twenty days after the filing thereof.

Sec. 132. Section 46b-179c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2022*):

Within five days of the filing of the judgment and certification in accordance with section 46b-179a, as amended by this act, the party filing such judgment shall notify the other party to the **[**paternity**]** parentage action of the filing of such judgment by registered mail at his last-known address or by personal service. The Family Support Magistrate Division shall not enforce any such foreign **[**paternity**]** parentage judgment until proof of service has been filed with the court.

Sec. 133. Section 46b-179d of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2022*):

If either party files an affidavit with the Family Support Magistrate Division that an appeal from the foreign **[**paternity**]** parentage judgment is pending in the foreign state, or will be taken, or that a stay of execution

has been granted, the Family Support Magistrate Division will stay enforcement of the foreign [paternity] parentage judgment until the appeal is concluded, the time for appeal expires or the stay of execution expires or is vacated.

Sec. 134. Subdivision (4) of subsection (a) of section 46b-215 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2022*):

(4) For purposes of this section, the term "child" shall include one born [out of wedlock whose father] to parents not married to each other whose alleged genetic parent has acknowledged in writing [paternity] parentage of such child or has been adjudged the [father] parent by a court of competent jurisdiction, or a child who was born before marriage whose parents afterwards intermarry.

Sec. 135. Subsections (a) and (b) of section 46b-218 of the general statutes are repealed and the following is substituted in lieu thereof (*Effective January 1, 2022*):

(a) For purposes of this section:

(1) "Identification and location information" means current information on the location and identity of a party to any [paternity] parentage or child support proceeding, including, but not limited to, the party's Social Security number, residential and mailing addresses, telephone number, driver's license number, employer's name, address and telephone number, and such other information as may be required for the state case registry to comply with federal law and regulations;

(2) [("Paternity or child support proceeding"] "Parentage or child support proceeding" means any court action or administrative process authorized by state statute in which the [paternity] parentage or support of a child is established; and

(3) "State case registry" means the database included in the automated system established and maintained by the Office of Child Support Services under subsection (l) of section 17b-179 which database

shall contain information on each support order established or modified in the state.

(b) Each party to any **[**paternity**]** parentage or child support proceeding shall file identification and location information with the state case registry upon entry of an order and whenever such information changes.

Sec. 136. Subdivision (2) of subsection (b) of section 46b-231 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2022*):

(2) "Child support enforcement services" means the services provided by the IV-D agency or an agency under cooperative or purchase of service agreement therewith pursuant to Title IV-D of the Social Security Act, including, but not limited to, location; establishment of **[**paternity**]** parentage; establishment, modification and enforcement of child and medical support orders and the collection and distribution of support payments;

Sec. 137. Subparagraph (A) of subdivision (2) of subsection (m) of section 46b-231 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2022*):

(2) (A) Family support magistrates shall hear and determine matters involving child and spousal support in IV-D support cases including petitions for support brought pursuant to sections 17b-81, 17b-179, 17b-745 and 46b-215, as amended by this act, applications for show cause orders in IV-D support cases brought pursuant to subsection **[**(b)**]** (a) of section 46b-172, as amended by this act, and actions for interstate enforcement of child and spousal support and **[**paternity**]** parentage under sections 46b-301 to 46b-425, inclusive, and shall hear and determine all motions for modifications of child and spousal support in such cases.

Sec. 138. Subdivision (5) of subsection (m) of section 46b-231 of the general statutes is repealed and the following is substituted in lieu

thereof (*Effective January 1, 2022*):

(5) **[**Proceedings to establish paternity in IV-D support cases shall be filed in the family support magistrate division for the judicial district where the mother or putative father resides.**]** Venue for proceedings to establish parentage in IV-D support cases shall be in accordance with the provisions of subsection (d) of section 9 of this act. The matter shall be heard and determined by a family support magistrate in accordance with the provisions of chapter 815y.

Sec. 139. Subdivision (6) of subsection (m) of section 46b-231 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2022*):

(6) Agreements for support obtained in IV-D support cases shall be filed with the assistant clerk of the family support magistrate division for the judicial district where **[**the mother or the father**]** a parent of the child resides, pursuant to subsection **[**(b)**]** (a) of section 46b-172, as amended by this act, and shall become effective as an order upon filing with the clerk. Such support agreements shall be reviewed by a family support magistrate who shall approve or disapprove the agreement. If the support agreement filed with the clerk is disapproved by a family support magistrate, the reason for disapproval shall be stated in the record and such disapproval shall have a retroactive effect. Upon such disapproval, the clerk shall schedule a hearing for the purpose of determining appropriate support amounts and shall notify all appearing parties of the hearing date.

Sec. 140. Subsection (r) of section 46b-231 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2022*):

(r) Orders for support entered by a family support magistrate shall have the same force and effect as orders of the Superior Court, except where otherwise provided in sections 17b-81, 17b-93, 17b-179, 17b-743, 17b-744, 17b-745, and 17b-746, **[**subsection (a) of section**]** 46b-55, as amended by this act, **[**sections**]** 46b-59a, 46b-86 and 46b-172, as amended

by this act, this chapter, subsection (b) of section 51-348, section 52-362, subsection (a) of section 52-362d, subsection (a) of section 52-362e and subsection (c) of section 53-304, and shall be considered orders of the Superior Court for the purpose of establishing and enforcing support orders of the family support magistrate, as provided in sections 17b-81, 17b-93, 17b-179, 17b-745, 52-362, 52-362d, 52-362e and 53-304, as amended by this act, except as otherwise provided in this section. All orders for support issued by family support magistrates in any matter before a magistrate shall contain an order for withholding to enforce such orders as set forth in section 52-362.

Sec. 141. Subdivision (1) of subsection (u) of section 46b-231 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2022*):

(u) (1) The Department of Social Services may in IV-D cases (A) bring petitions for support orders pursuant to section 46b-215, as amended by this act, (B) obtain acknowledgments of **[**paternity**]** parentage, (C) bring applications for show cause orders pursuant to section 46b-172, as amended by this act, (D) file agreements for support with the assistant clerk of the Family Support Magistrate Division, (E) issue withholding orders entered by the Superior Court or a family support magistrate in accordance with subsection (b) of section 52-362, and (F) upon notice to the obligor and obligee, redirect payments for the support of any child receiving child support enforcement services either to the state of Connecticut or to the present custodial party, as their interests may appear, for distribution in accordance with Title IV-D of the Social Security Act, provided neither the obligor nor the obligee objects in writing within ten business days from the mailing date of such notice, and provided further that any such notice shall be sent by first class mail to the most recent address of such obligor and obligee, as recorded in the state case registry pursuant to section 46b-218, as amended by this act, and a copy of such notice shall be filed with the court or family support magistrate if both the obligor and obligee fail to object to the redirected payments within ten business days from the mailing date of such notice.

Sec. 142. Subsection (a) of section 51-15 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2022*):

(a) In accordance with the provisions of section 51-14, the judges of the Superior Court shall make such orders and rules as they deem necessary or advisable concerning the commencement of process and procedure in flowage petitions, **[**paternity**]** parentage proceedings, replevin, summary process, habeas corpus, mandamus, prohibition, ne exeat, quo warranto, forcible entry and detainer, peaceable entry and forcible detainer, for paying rewards, and for the hearing and determination of small claims, including suitable forms of procedure in such cases, exclusive of fees.

Sec. 143. Section 52-46a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2022*):

Process in civil actions returnable to the Supreme Court shall be returned to its clerk at least twenty days before the return day and, if returnable to the Superior Court, except process in summary process actions and petitions for **[**paternity**]** parentage and support, to the clerk of such court at least six days before the return day.

Sec. 144. Subsection (a) of section 52-251d of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2022*):

(a) In any civil action to establish **[**paternity**]** parentage or to establish, modify or enforce child support orders in temporary family assistance cases pursuant to sections 17b-745, 46b-86, 46b-160, as amended by this act, 46b-171, as amended by this act, 46b-172, as amended by this act, 46b-215, as amended by this act, and 46b-231, as amended by this act, the court may allow the state, when it is the prevailing party, a reasonable attorney's fee.

Sec. 145. Subdivision (10) of subsection (a) of section 52-362f of the general statutes is repealed and the following is substituted in lieu

thereof (*Effective January 1, 2022*):

(10) "Support order" means any order, decree, or judgment for the support, or for the payment of arrearages on such support, of a child, spouse, or former spouse issued by a court or agency of another jurisdiction, whether interlocutory or final, whether or not prospectively or retroactively modifiable, whether incidental to a proceeding for divorce, judicial or legal separation, separate maintenance, parentage or paternity, guardianship, civil protection, or otherwise.

Sec. 146. Subsection (a) of section 53-304 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2022*):

(a) Any person who neglects or refuses to furnish reasonably necessary support to the person's spouse, child under the age of eighteen or parent under the age of sixty-five shall be deemed guilty of nonsupport and shall be imprisoned not more than one year, unless the person shows to the court before which the trial is had that, owing to physical incapacity or other good cause, the person is unable to furnish such support. The court may suspend the execution of any community correctional center sentence imposed, upon any terms or conditions that it deems just, may suspend the execution of the balance of any such sentence in a like manner, and, in addition to any other sentence or in lieu thereof, may order that the person convicted shall pay to the Commissioner of Administrative Services directly or through Support Enforcement Services of the Superior Court, such support, in such amount as the court may find commensurate with the necessities of the case and the ability of such person, for such period as the court shall determine. Any such order of support may, at any time thereafter, be set aside or altered by the court for cause shown. Failure of any defendant to make any payment may be punished as contempt of court and, in addition thereto or in lieu thereof, the court may order the issuance of a wage withholding in the same manner as is provided in section 17b-745, which withholding order shall have the same precedence as is provided

in section 52-362. The amounts withheld under such withholding order shall be remitted to the Department of Administrative Services by the person or corporation to whom the withholding order is presented at such intervals as such withholding order directs. **[**For the purposes of this section, "child" includes one born out of wedlock whose father has acknowledged in writing his paternity of such child or has been adjudged the father by a court of competent jurisdiction.**]**

Sec. 147. Section 45a-777 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2022*):

(a) A child born as a result of **[**A.I.D.**]** assisted reproduction, as defined in section 2 of this act, may inherit the estate of **[**his mother and her consenting spouse or their relatives as though he were the natural child of the mother and consenting spouse and he shall not inherit the estate from his natural father or his relatives**]** such child's legal parents and the relatives of such legal parents.

(b) The **[**mother and her consenting husband or their relatives**]** legal parents and the relatives of such legal parents may inherit the estate of a child born as a result of **[**A.I.D.**]** assisted reproduction, if the child dies intestate. **[**, and the natural father or his relatives shall not inherit from him.**]**

Sec. 148. Section 45a-779 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2022*):

Nothing in **[**sections 45a-771 to 45a-779, inclusive,**]** section 45a-777, as amended by this act, or 45a-778 or this section shall be construed as a change or modification of the rights or status of children born before October 1, 1975, but shall be construed as a clarification and codification of the rights and status which the children had on said date.

Sec. 149. Sections 45a-771 to 45a-776, inclusive, 46b-166 and 46b-167 of the general statutes are repealed. (*Effective January 1, 2022*)

| This act shall take effect as follows and shall amend the following sections: | | |
|---|---|---|
| Section 1 | *January 1, 2022* | New section |
| Sec. 2 | *January 1, 2022* | New section |
| Sec. 3 | *January 1, 2022* | New section |
| Sec. 4 | *January 1, 2022* | New section |
| Sec. 5 | *January 1, 2022* | New section |
| Sec. 6 | *January 1, 2022* | New section |
| Sec. 7 | *January 1, 2022* | New section |
| Sec. 8 | *January 1, 2022* | New section |
| Sec. 9 | *January 1, 2022* | New section |
| Sec. 10 | *January 1, 2022* | New section |
| Sec. 11 | *January 1, 2022* | New section |
| Sec. 12 | *January 1, 2022* | New section |
| Sec. 13 | *January 1, 2022* | New section |
| Sec. 14 | *January 1, 2022* | New section |
| Sec. 15 | *January 1, 2022* | New section |
| Sec. 16 | *January 1, 2022* | New section |
| Sec. 17 | *January 1, 2022* | New section |
| Sec. 18 | *January 1, 2022* | New section |
| Sec. 19 | *January 1, 2022* | New section |
| Sec. 20 | *January 1, 2022* | New section |
| Sec. 21 | *January 1, 2022* | New section |
| Sec. 22 | *January 1, 2022* | New section |
| Sec. 23 | *January 1, 2022* | New section |
| Sec. 24 | *January 1, 2022* | New section |
| Sec. 25 | *January 1, 2022* | New section |
| Sec. 26 | *January 1, 2022* | New section |
| Sec. 27 | *January 1, 2022* | New section |
| Sec. 28 | *January 1, 2022* | New section |
| Sec. 29 | *January 1, 2022* | New section |
| Sec. 30 | *January 1, 2022* | New section |
| Sec. 31 | *January 1, 2022* | New section |
| Sec. 32 | *January 1, 2022* | New section |
| Sec. 33 | *January 1, 2022* | New section |
| Sec. 34 | *January 1, 2022* | New section |
| Sec. 35 | *January 1, 2022* | New section |
| Sec. 36 | *January 1, 2022* | New section |
| Sec. 37 | *January 1, 2022* | New section |
| Sec. 38 | *July 1, 2022* | New section |

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|---|---|---|
| Sec. 39 | *July 1, 2022* | New section |
| Sec. 40 | *January 1, 2022* | New section |
| Sec. 41 | *January 1, 2022* | New section |
| Sec. 42 | *January 1, 2022* | New section |
| Sec. 43 | *January 1, 2022* | New section |
| Sec. 44 | *January 1, 2022* | New section |
| Sec. 45 | *January 1, 2022* | New section |
| Sec. 46 | *January 1, 2022* | New section |
| Sec. 47 | *January 1, 2022* | New section |
| Sec. 48 | *January 1, 2022* | New section |
| Sec. 49 | *January 1, 2022* | New section |
| Sec. 50 | *January 1, 2022* | New section |
| Sec. 51 | *January 1, 2022* | New section |
| Sec. 52 | *January 1, 2022* | New section |
| Sec. 53 | *January 1, 2022* | New section |
| Sec. 54 | *January 1, 2022* | New section |
| Sec. 55 | *January 1, 2022* | New section |
| Sec. 56 | *January 1, 2022* | New section |
| Sec. 57 | *January 1, 2022* | New section |
| Sec. 58 | *January 1, 2022* | New section |
| Sec. 59 | *January 1, 2022* | New section |
| Sec. 60 | *January 1, 2022* | New section |
| Sec. 61 | *January 1, 2022* | New section |
| Sec. 62 | *January 1, 2022* | New section |
| Sec. 63 | *January 1, 2022* | New section |
| Sec. 64 | *January 1, 2022* | New section |
| Sec. 65 | *January 1, 2022* | New section |
| Sec. 66 | *January 1, 2022* | New section |
| Sec. 67 | *January 1, 2022* | New section |
| Sec. 68 | *January 1, 2022* | New section |
| Sec. 69 | *January 1, 2022* | New section |
| Sec. 70 | *January 1, 2022* | New section |
| Sec. 71 | *January 1, 2022* | New section |
| Sec. 72 | *January 1, 2022* | New section |
| Sec. 73 | *January 1, 2022* | New section |
| Sec. 74 | *January 1, 2022* | New section |
| Sec. 75 | *January 1, 2022* | New section |
| Sec. 76 | *January 1, 2022* | New section |
| Sec. 77 | *January 1, 2022* | New section |
| Sec. 78 | *January 1, 2022* | New section |
| Sec. 79 | *January 1, 2022* | New section |

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| Sec. 80 | *January 1, 2022* | New section |
| Sec. 81 | *January 1, 2022* | New section |
| Sec. 82 | *January 1, 2022* | New section |
| Sec. 83 | *January 1, 2022* | New section |
| Sec. 84 | *January 1, 2022* | New section |
| Sec. 85 | *January 1, 2022* | New section |
| Sec. 86 | *January 1, 2022* | New section |
| Sec. 87 | *January 1, 2022* | 7-36 |
| Sec. 88 | *January 1, 2022* | 7-48a |
| Sec. 89 | *January 1, 2022* | 7-50 |
| Sec. 90 | *January 1, 2022* | 7-51(a) |
| Sec. 91 | *January 1, 2022* | 7-51a(a) |
| Sec. 92 | *January 1, 2022* | 17a-60(c) |
| Sec. 93 | *January 1, 2022* | 17b-27 |
| Sec. 94 | *January 1, 2022* | 17b-137a(a) and (b) |
| Sec. 95 | *January 1, 2022* | 17b-137(a)(2)(A) |
| Sec. 96 | *January 1, 2022* | 19a-42(d) and (e) |
| Sec. 97 | *January 1, 2022* | 19a-42a |
| Sec. 98 | *January 1, 2022* | 45a-8a(a) |
| Sec. 99 | *January 1, 2022* | 45a-106a(b) |
| Sec. 100 | *January 1, 2022* | 45a-257b(a) |
| Sec. 101 | *January 1, 2022* | 45a-262(a) |
| Sec. 102 | *January 1, 2022* | 45a-437(b) |
| Sec. 103 | *January 1, 2022* | 45a-438(b) |
| Sec. 104 | *January 1, 2022* | 45a-438b |
| Sec. 105 | *January 1, 2022* | 45a-604 |
| Sec. 106 | *January 1, 2022* | 45a-707 |
| Sec. 107 | *January 1, 2022* | 45a-716 |
| Sec. 108 | *January 1, 2022* | 45a-717(c) |
| Sec. 109 | *January 1, 2022* | 46b-1 |
| Sec. 110 | *January 1, 2022* | 46b-6a(b) |
| Sec. 111 | *January 1, 2022* | 46b-45a |
| Sec. 112 | *January 1, 2022* | 46b-55 |
| Sec. 113 | *January 1, 2022* | 46b-60 |
| Sec. 114 | *January 1, 2022* | 46b-61 |
| Sec. 115 | *January 1, 2022* | 46b-62(a) and (b) |
| Sec. 116 | *January 1, 2022* | 46b-121(b)(1) |
| Sec. 117 | *January 1, 2022* | 46b-129(c) |
| Sec. 118 | *January 1, 2022* | 46b-160 |
| Sec. 119 | *January 1, 2022* | 46b-161 |
| Sec. 120 | *January 1, 2022* | 46b-162 |

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| Sec. 121 | *January 1, 2022* | 46b-165 |
| Sec. 122 | *January 1, 2022* | 46b-168 |
| Sec. 123 | *January 1, 2022* | 46b-168a |
| Sec. 124 | *January 1, 2022* | 46b-169 |
| Sec. 125 | *January 1, 2022* | 46b-170 |
| Sec. 126 | *January 1, 2022* | 46b-171(a) and (b) |
| Sec. 127 | *January 1, 2022* | 46b-172 |
| Sec. 128 | *January 1, 2022* | 46b-172a |
| Sec. 129 | *January 1, 2022* | 46b-179 |
| Sec. 130 | *January 1, 2022* | 46b-179a |
| Sec. 131 | *January 1, 2022* | 46b-179b |
| Sec. 132 | *January 1, 2022* | 46b-179c |
| Sec. 133 | *January 1, 2022* | 46b-179d |
| Sec. 134 | *January 1, 2022* | 46b-215(a)(4) |
| Sec. 135 | *January 1, 2022* | 46b-218(a) and (b) |
| Sec. 136 | *January 1, 2022* | 46b-231(b)(2) |
| Sec. 137 | *January 1, 2022* | 46b-231(m)(2)(A) |
| Sec. 138 | *January 1, 2022* | 46b-231(m)(5) |
| Sec. 139 | *January 1, 2022* | 46b-231(m)(6) |
| Sec. 140 | *January 1, 2022* | 46b-231(r) |
| Sec. 141 | *January 1, 2022* | 46b-231(u)(1) |
| Sec. 142 | *January 1, 2022* | 51-15(a) |
| Sec. 143 | *January 1, 2022* | 52-46a |
| Sec. 144 | *January 1, 2022* | 52-251d(a) |
| Sec. 145 | *January 1, 2022* | 52-362f(a)(10) |
| Sec. 146 | *January 1, 2022* | 53-304(a) |
| Sec. 147 | *January 1, 2022* | 45a-777 |
| Sec. 148 | *January 1, 2022* | 45a-779 |
| Sec. 149 | *January 1, 2022* | Repealer section |

***JUD*** *Joint Favorable Subst.*

*The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.*

## *OFA Fiscal Note*

***State Impact:*** None

***Municipal Impact:*** None

### *Explanation*

The bill adopts the Uniform Parentage Act and does not result in a fiscal impact to the state or municipalities.

## *The Out Years*

***State Impact:*** None

***Municipal Impact:*** None

**OLR Bill Analysis**

**sHB 6321**

***AN ACT CONCERNING ADOPTION AND IMPLEMENTATION OF THE CONNECTICUT PARENTAGE ACT.***

TABLE OF CONTENTS:

*Creates a court process for someone who claims to be a de facto parent to be adjudicated as such; Establishes the qualifying criteria and the evidence necessary to support the claim*

§§ 40-50 — ADJUDICATING GENETIC PARENTAGE

*Establishes requirements for genetic testing in proceedings to adjudicate genetic parentage, whether the person voluntarily submits to testing or is tested under a court or a child support agency order; provides for challenging results and testing lab reporting*

§§ 51-59 — CONSENT TO INTENDED PARENTAGE

*Establishes a process for an intended parent to consent to parentage for a child, other than for a child conceived by sexual intercourse or assisted reproduction under a surrogacy agreement*

§§ 60-77 — PARENTAGE THROUGH SURROGACY

*Provides for the adjudication of parentage under gestational and genetic surrogate agreements for children born through assisted reproduction, including requirements for the execution, termination, and enforcement of any such agreement*

§§ 2 & 78-83 — COLLECTION OF GAMETES AND DISCLOSURE OF INFORMATION ON OR AFTER JANUARY 1, 2022

*Establishes requirements pertaining to donated gametes collected on or after January 1, 2022, including the collection and disclosure of donor's information and gamete banks and fertility clinics record retention*

§§ 3 & 84-86 — MISCELLANEOUS PROVISIONS

*Specifies that it (1) does not change the equitable powers of the courts or parental rights or duties; (2) has retroactive effect only on cases without judgment before January 1, 2022; (3) should be applied and construed in a manner to promote uniformity of law; and (4) does not affect certain federal laws related to disclosures and court notice*

§§ 103, 104, 117 & 124 — CHANGES TO UNRELATED PROVISIONS

*Makes changes, made necessary by the CPA, to certain provisions on a nonmarital child's inheritance, temporary custody hearings, and DSS exceptions for someone to refuse to cooperate with parentage determination*

§§ 87-148 — CONFORMING CHANGES AND GENDER-SPECIFIC AND OTHER TERMINOLOGY CHANGES

*Makes conforming changes throughout the statutes by removing certain gender-specific references and other changes in statutes that address things such as (a) birth certificates; (b) human services, social services, and public health protocols and systems; (c) probate court matters; and (d) family relations matters*

§ 149 — REPEALER

*Repeals statutes that address a putative father's paternity case, the doctrine that a child born in wedlock is legitimate, and other provisions related to children conceived through artificial insemination*

## SUMMARY

*Adopts the Uniform Parentage Act (UPA), which may be cited as the Connecticut Parentage Act (CPA)*

This bill adopts the Uniform Parentage Act (UPA), which may be

cited as the Connecticut Parentage Act (CPA) (§§ 1-86). The bill generally:

1. provides for equal treatment under the law for children born to same-sex couples by, among other things, removing certain gender-specific references (e.g., changing "maternity" and "paternity" to "parentage");

2. expands recognition of non-biological parents by (a) making marital or "hold-out" presumptions gender neutral and (b) establishing de facto parentage (i.e., the court adjudicates a person to be a parent under certain circumstances);

3. provides guidance on adjudicating parentage and adjudicating competing claims of parentage (e.g., creates best interest of the child factors that the court must consider);

4. provides the process for establishing acknowledged parentage through an acknowledgment agreement;

5. provides for adjudicating genetic parentage and updates the rules governing children born under a surrogacy agreement; and

6. establishes a procedure to enable children conceived through assisted reproduction to access medical and identifying information about any gamete donors.

The bill also makes conforming changes throughout the statutes addressing things such as (1) birth certificates; (2) human services, social services, and public health protocols and systems; (3) probate court matters; and (4) family relations matters (§§ 87-149).

EFFECTIVE DATE: January 1, 2022, except the provisions on adjudicating de facto parentage (§§ 38-39) are effective July 1, 2022.

## §§ 4-16 — ADJUDICATING PARENTAGE

*Establishes the court process to adjudicate parentage, including the necessary petitions; accompanying affidavits for children on public assistance; parties' standing and notice; and court jurisdiction, venue, access, timeline, fees, records, and parentage order*

The bill requires the court, when determining parentage, to apply Connecticut law, regardless of the child's place of birth or past or present residence. It also specifies that there is no right to a jury trial in an action to adjudicate parentage.

Under the bill, an "adjudicated parent" is a person who has been adjudicated to be a parent of a child by a court of competent jurisdiction (§ 2).

### *Petitions (§ 5)*

Under the bill, petitions to adjudicate parentage must generally be filed in the Superior Court's Family Division. However, the following petitions must be filed in the Probate Court:

1. petitions by an alleged genetic parent seeking to establish the alleged genetic parent's parentage (see § 48),

2. petitions to determine parentage after the death of the child or the person whose parentage is to be determined,

3. petitions for certain parentage orders under the CPA involving assisted reproduction or gestational surrogacy, and

4. petitions to validate a genetic surrogacy agreement under CPA.

Additionally, petitions by the Department of Social Services (DSS) Office of Child Support Services (i.e., the Title IV-D agency) in (1) support cases involving public assistance recipients (i.e., IV-D cases) and (2) petitions brought under the Uniform Interstate Family Support Act, must be filed with the clerk for the Family Support Magistrate Division.

### *Affidavit in IV-D Cases (§ 5)*

If the IV-D agency files the petition, the petition must be accompanied by an affidavit of the parent whose rights have been assigned. If the assignor refuses to provide an affidavit, the IV-D agency may submit the affidavit, however the affidavit alone cannot support a default judgment on the issue of parentage.

### *Standing (§§ 6 & 11)*

Under the bill, a proceeding to adjudicate parentage may be maintained by:

1. a child age 18 or older or, if the child is a minor, through the child's representative;

2. the person who gave birth to the child, including still birth, unless a court has adjudicated that the person is not a parent;

3. a person who is a parent of the child under the CPA (i.e., a parent who has established a parent-child relationship, see § 19);

4. a person looking to be adjudicated a parent under the CPA;

5. DSS or the town welfare administrator;

6. the Department of Children and Families (DCF);

7. a person the court deems to have a sufficient interest to file a claim for parentage on a deceased parent's behalf; or

8. a representative authorized under state law, excluding the CPA, to act for a person who otherwise would be entitled to maintain a proceeding but is deceased, incapacitated, or a minor.

A minor child is a permissive, but not a necessary, party to a proceeding under the CPA, except for certain proceedings in the Superior Court, such as neglect and abuse cases.

### *Time Limit (§ 5)*

A petition filed in the Superior Court or Family Support Magistrate Court to adjudicate parentage may be brought any time before the child turns age 18. However, liability for child support must be limited to the three years before the petition filing date.

### *Notice in Superior Court and Probate Court (§ 7)*

The bill requires that notice of a proceeding to adjudicate parentage be given, by the petitioner for proceedings in the Superior Court and by

the court for proceedings in the Probate Court, to the following people:

1. the person who gave birth to the child, unless a court has adjudicated that person is not a parent;

2. a presumed (§§ 36-37), acknowledged (§§ 24-35), or adjudicated (§§ 4-16) parent of the child;

3. a person whose parentage of the child is to be adjudicated;

4. a representative authorized by state law to act for a person who otherwise would be entitled to maintain a proceeding but is deceased, incapacitated, or a minor;

5. the fiduciary of an estate of deceased persons otherwise entitled to notice;

6. in proceedings involving a public assistance recipient, the Attorney General, who must be and remain a party to any parentage proceeding and to any proceedings after judgment in the action; and

7. the DCF commissioner, in proceedings involving a child for whom a petition related to abuse and neglect has been filed and who is under DCF's care and custody or guardianship.

Under the bill, a person entitled to this notice has a right to intervene in the proceeding. Failure to provide the required notice must not render a judgment void or preclude a person entitled to notice from bringing a proceeding under the CPA.

### *Court Jurisdiction and Venue (§§ 8 & 9)*

Under the bill, a court may adjudicate a person's parentage of a child only if it has personal jurisdiction over that person. A Connecticut court with jurisdiction to adjudicate parentage may exercise personal jurisdiction over a nonresident or the person's guardian or conservator consistent with Connecticut laws.

Generally, the venue for a proceeding to adjudicate parentage is in the judicial district (1) where the child resides or (2) if the child is not a Connecticut resident, where the petitioner or respondent resides.

However, the petitions filed in Probate Court must be filed in the probate district:

1. where the child or birth parent resides, for petitions by an alleged genetic parent seeking to establish parentage;

2. where the child, petitioner, or person whose parentage is to be determined resides or resided at the time of death, for petitions to determine parentage after the death of the child or the person whose parentage is to be determined; and

3. where the child or a party to the proceeding resides, for petitions for certain parentage orders under the CPA involving assisted reproduction or gestational surrogacy or petitions to validate a genetic surrogacy agreement.

Additionally, in IV-D cases, the petition must be filed in the Family Support Magistrate Division serving the judicial district where the parent who gave birth or the alleged parent resides.

### *Temporary Child Support Orders (§ 10)*

In a proceeding under the CPA, a court may issue a temporary order for child support if the order is consistent with state law, other than the CPA, and the person ordered to pay support is:

1. the child's presumed parent;

2. petitioning to be adjudicated a parent;

3. identified as a genetic parent through genetic testing;

4. an alleged genetic parent who has declined to submit to genetic testing;

5. shown by clear and convincing evidence to be the child's parent;

or

6. a parent under the CPA.

A temporary order may include custody and visitation provisions under state law other than the CPA.

### *Court Access, Records, Dismissal, and Fees (§§ 12-14)*

***Superior Court – Family Relations.*** For proceedings in the Superior Court on family relations matters, there must be a presumption that courtroom proceedings are open to the public and documents filed with the court are available to the public. In family relations cases, the Connecticut Practice Book governs courtroom closure, the sealing of files, and limited disclosure of documents.

***Juvenile Court.*** For proceedings in Juvenile Court, access to records is governed by existing law on confidentiality of juvenile records.

***Probate Court.*** Members of the public may observe Probate Court proceedings and may view court records, unless otherwise provided by law or directed by the court.

***Order Dismissal.*** The court may dismiss a proceeding under the CPA for want of prosecution only without prejudice. An order of dismissal for want of prosecution purportedly with prejudice is void and has only the effect of a dismissal without prejudice.

***Fees.*** Generally, the court may assess filing fees, reasonable attorney's fees, fees for genetic testing, other costs and necessary travel, and other reasonable expenses incurred in a proceeding under the CPA. Attorney's fees awarded may be paid directly to the attorney, and the attorney may enforce the order in the attorney's own name.

However, the court may not assess fees, costs, or expenses against a child support agency in this state or another state, except as provided by existing law other than the CPA.

***Medical Bills.*** In a proceeding under the CPA, a copy of a bill for

genetic testing or prenatal or postnatal health care for the person who gave birth to the child or for the child, which is provided to the adverse party not later than 10 days before the date of a hearing, is admissible to establish (1) the amount of the charge billed and (2) that the charge is reasonable and necessary.

### *Order Adjudicating Parentage (§§ 14-16)*

***Binding Order.*** An order adjudicating parentage must identify the child in a manner provided by state law other than the CPA. A party to an adjudication of parentage by a court with jurisdiction under existing law and the CPA, and any person who received notice of the proceeding, is bound by the adjudication.

***Divorce, Annulment, and Legal Separation.*** In a proceeding for dissolution of marriage, annulment, or legal separation, the court is deemed to have made an adjudication of a child's parentage if the court has jurisdiction under applicable state laws, including the CPA. Additionally, the final order must (1) expressly identify the child as a "child of the marriage" or "issue of the marriage" or include similar words indicating that both spouses are parents of the child or (2) provide for child support by a spouse unless that spouse's parentage is disclaimed specifically in the order.

***Child's Name Change.*** Upon the request of a party and for good cause, the court in a proceeding under the CPA may order the child's name to be changed. If the order varies the child's name from the name on the child's birth certificate, the court must order the Department of Public Health (DPH) to issue an amended birth certificate.

***Affirmative Defense.*** A determination of parentage may be asserted as a defense in a subsequent proceeding seeking to adjudicate parentage of a person who was not a party to the earlier proceeding.

## §§ 16 & 17 — CHALLENGING THE ADJUDICATION OF PARENTAGE

*Provides the processes for challenging adjudicated parentage depending on whether a party had standing or received required notice*

Under the bill, a party to an adjudication of parentage may challenge

the adjudication only under state law (other than provisions of the CPA) relating to appeal, opening or setting aside judgments, or other judicial review.

### *Person Was Party to the Adjudication or Received Notice*

If a child has an adjudicated parent, a proceeding to challenge the adjudication, brought by a person who was a party to the adjudication or received notice, is governed by the Connecticut Practice Book and other statutory provisions on the opening or setting aside of judgments.

### *Person Has Standing but Was Not a Party nor Received Notice*

If a child has an adjudicated parent, a proceeding to challenge the adjudication of parentage brought by a person, other than the child, who has standing and was not a party to the adjudication and did not receive notice, must abide by the following rules:

1. The person must start the proceeding within two years after the adjudication's effective date, unless the person did not know and could not reasonably have known of his or her potential parentage due to a material misrepresentation or concealment, in which case the proceeding must begin within one year after discovering the potential parentage.

2. The court may allow the proceeding only if it finds doing so is in the best interest of the child.

3. If the court allows the proceeding, the court must adjudicate parentage based on certain factors, such as best interest of the child (see § 23).

## § 18 — GOVERNING LAW

*Generally applies state law to proceedings under the CPA*

A proceeding under the CPA is subject to state laws (other than the bill) on the health, safety, privacy, and liberty of a child or other person who could be affected by the disclosure of identifying information.

## §§ 19-23 — PARENT-CHILD RELATIONSHIP

*Establishes specific criteria to determine if a parent-child relationship exist and applies them to relationships regardless of the parent's marital status or gender or the circumstances of the child's birth*

### *Establishing the Parent-Child Relationship (§ 19)*

Under the bill, a parent-child relationship is established between a person and a child if the person:

1. gave birth to the child, except as otherwise provided in cases involving surrogacy;

2. is the child's presumed parent because the child was born during the marriage or within 300 days after the marriage ended, unless the presumption is overcome in a judicial proceeding;

3. is the child's presumed parent because the person, with another person, openly held out the child to be their own for at least 2 years, and the person is adjudicated a parent of the child or acknowledges parentage;

4. is adjudicated a de facto parent of the child;

5. is adjudicated a parent of the child through genetic testing;

6. adopts the child;

7. acknowledges parentage of the child, unless the acknowledgment is rescinded or successfully challenged;

8. established parentage through consent to assisted reproduction;

9. established parentage under a surrogacy agreement; or

10. has been adjudicated a parent by the court as it relates to divorce, annulment, legal separation, or support cases.

### *Applicability (§§ 20-22)*

Under the bill, a parent-child relationship extends equally to every child and parent, regardless of the parent's marital status or gender or the circumstances of the child's birth. Unless parental rights are

terminated, a parent-child relationship established under the CPA applies for all purposes.

To the extent practicable, any provision of the bill applicable to a father-child or mother-child relationship must apply to any parent-child relationship, regardless of the parent's gender.

## § 23 — COMPETING CLAIMS OF PARENTAGE

*Creates (1) best interest of the child factors that the court must consider in resolving claims of parentage by two or more individuals and (2) additional factors in cases involving genetic testing*

### *Best Interest of the Child Factors*

Except as provided in the bill, in a proceeding to adjudicate competing claims of parentage of a child by two or more persons, the court must adjudicate parentage in the child's best interest, based on the following factors:

1. the child's age;
2. the length of time during which each person assumed the role of the child's parent;
3. the nature of the relationship between the child and each person;
4. the harm to the child if the relationship between the child and each person is not recognized;
5. the basis for each person's claim to the child's parentage;
6. other equitable factors arising from the disruption of the relationship between the child and each person, or the likelihood of other harm to the child; and
7. any other factor the court deems relevant to the child's best interests.

### *Additional Factors in Cases Involving Genetic Testing*

If a person challenges parentage based on the results of genetic testing, in addition to the factors listed above, the court also must

consider:

1. the facts surrounding the discovery that the person might not be the child's genetic parent and

2. the length of time between the (a) time the person received notice that he or she might not be a genetic parent and (b) start of the proceeding.

### *Finding of Detriment to the Child*

The court may adjudicate a child to have more than two parents if it finds that failure to recognize more than two parents would be detrimental to the child. A finding of detriment to the child does not require a finding of unfitness of any parent or person seeking an adjudication of parentage.

In determining detriment to the child, the court must consider all relevant factors, including the harm if the child is removed from a stable placement with a person who has (1) fulfilled the child's physical and psychological needs for care and affection and (2) assumed the role for a substantial period.

### *Child Support Guidelines*

If a court has adjudicated a child to have more than two parents, state law (other than the CPA) applies to determinations of legal and physical custody of, or visitation with, the child, and to child support obligations. The child support guidelines established under existing law must not apply until they have been revised to address the circumstances when a child has more than two parents. Until such revision is effective, a court must consider the child support guidelines and the criteria for awards established under certain existing laws when making or modifying child support orders.

## §§ 24-32 — ACKNOWLEDGMENT OF PARENTAGE

*Creates a process by which a person who has established a parent-child relationship may become the child's parent through a signed acknowledgment of parentage*

### *Acknowledged Parent (§ 2)*

Under the bill, an "acknowledged parent" is a person who has established a parent-child relationship through an acknowledgement agreement.

### *Signed Record (§§ 24 & 25)*

A person who gave birth to a child and an alleged genetic parent of the child, a presumed parent (see § 36), or an intended parent (i.e., a person with intent to be legally bound as a parent of a child conceived by assisted reproduction, see §§ 51-59) may sign an acknowledgment of parentage to establish the child's parentage.

***Witnessed Statement.*** The acknowledgment must be in a record signed by the person who gave birth to the child and by the person seeking to establish a parent-child relationship, and the signatures must be attested by a notary or witnessed. The acknowledgement must state that:

1. the child whose parentage is being acknowledged must not have another acknowledged or adjudicated parent or person who is a parent of the child through assisted reproduction other than the person who gave birth to the child;

2. the child whose parentage is being acknowledged must not, at the time of signing, have a birth certificate identifying as a parent a person other than the person who gave birth to the child or the person acknowledging parentage;

3. no action is pending in which the child's parentage is at issue, unless all parties to the action agree to establishing the signatory's parentage pursuant to the acknowledgment; and

4. the signatories understand that the acknowledgment is the equivalent of an adjudication of the child's parentage and that a challenge to the acknowledgment is permitted only under limited circumstances.

***Oral and Written Notice.*** Under the bill, an acknowledgment of

parentage is not binding unless, prior to the signing, the signatories are given oral and written notice of the alternatives to, the legal consequences of, and the rights and responsibilities that arise from signing the acknowledgment. The notice must explain the following:

1. the right to rescind the acknowledgment, including the address where a rescission notice should be sent;

2. that the acknowledgment cannot be challenged after 60 days, except in court or before a family support magistrate upon a showing of fraud, duress, or material mistake of fact;

3. that the acknowledgment may result in custody and visitation rights for the acknowledged parent, as well as a financial support duty from the acknowledged parent;

4. that, if the person acknowledging parentage is acknowledging that they are the child's genetic parent, genetic testing is available to establish parentage with a high degree of accuracy and, under certain circumstances, at state expense; and

5. if either person is not certain of the child's genetic parentage as it pertains to the acknowledgment of parentage, neither person should sign the form.

***Content.*** The notice to the person acknowledging parentage also must include notice that (1) the person will be liable for the child's financial and medical support at least until the child's 18th birthday and (2) if the person acknowledging parentage is acknowledging that they are the child's genetic parent, that person has the right to contest parentage.

***Void.*** An acknowledgment of parentage is void if, at the time of signing:

1. a person, other than the person who gave birth to the child or the person seeking to establish parentage, is an acknowledged or adjudicated parent or a parent through assisted reproduction;

2. the child whose parentage is being acknowledged has a birth certificate identifying as a parent a person other than the person who gave birth to the child or the person acknowledging parentage; or

3. an action is pending in which the child's parentage is at issue, unless all parties to the action agree to establish the signatory's parentage under the acknowledgment.

### *Acknowledgement Protocols and Effect (§§ 26-32)*

***Timing.*** An acknowledgment of parentage (1) may be signed before or after the child's birth, except that an acknowledgment signed by a presumed parent may be signed only after the presumption is satisfied and (2) takes effect on the birth of the child or filing of the document with DPH, whichever occurs later. Additionally, an acknowledgement of parentage signed by a minor is valid if it complies with the CPA.

***Legal Effect.*** Generally, an acknowledgment of parentage that is filed with DPH is equivalent to an adjudication of the child's parentage by the Superior Court and confers on the acknowledged parent all parental rights and duties. The bill prohibits DPH from charging a fee for this filing.

A court conducting a judicial proceeding or an administrative agency conducting an administrative proceeding is not required or permitted to ratify an unchallenged acknowledgment of parentage.

***Rescission.*** A signatory may rescind an acknowledgment of parentage by filing a rescission with DPH in a signed record that is attested by a notary or witnessed. The signatory must file a rescission before the earlier of (1) 60 days after the acknowledgement's effective date or (2) the date of the first hearing before a court in a proceeding, to which the signatory is a party, to adjudicate an issue relating to the child, including one that establishes support.

If an acknowledgment of parentage is rescinded, DPH must notify the person who gave birth to the child of this rescission. Failure to give

the required notice does not affect the rescission's validity.

***Fraud, Duress, or Material Mistake of Fact.*** After the period for rescission expires, an acknowledgment of parentage may be challenged only on the basis of fraud, duress, or material mistake of fact. In cases in which the acknowledgment has been signed by the birth parent and an alleged genetic parent, a material mistake of fact may include evidence that the alleged genetic parent is not the genetic parent. A party challenging an acknowledgment of parentage has the burden of proof.

***Court Proceedings.*** Every signatory to an acknowledgment of parentage is a party to a proceeding to challenge the acknowledgment. By signing an acknowledgment of parentage, a signatory submits to personal jurisdiction in Connecticut in a proceeding to challenge the acknowledgment, effective on the date the acknowledgment is filed with DPH. While the challenge is pending, any responsibilities arising from the acknowledgment must continue except for good cause shown.

***Set Aside Acknowledgement.*** If the court or family support magistrate determines that the challenger has met the burden of proof to support a finding of fraud, duress, or material mistake of fact, the acknowledgment of parentage must be set aside, but only if the court or magistrate determines that doing so is in the child's best interest, based on the relevant factors described above (see § 23).

***Amended Birth Certificate.*** If the court or family support magistrate sets aside the acknowledgement, the court or magistrate must order DPH to amend the child's birth record to reflect the child's legal parentage.

***Support Refund in IV-D Cases.*** In cases involving a child who is or has been supported by the state, whenever the court or family support magistrate finds that the person challenging the acknowledgment of parentage is not a parent because the person has met the burden of proof, DSS must refund any money the person paid to the state during any period the state supported the child.

### *Full Faith and Credit (§ 32)*

The bill requires the state to give full faith and credit to an acknowledgment of parentage effective in another state if the acknowledgment was in a signed record and otherwise complies with the other state's law.

## §§ 33-35 — DPH AUTHORITY AND RESPONSIBILITIES

*Authorizes DPH to develop an acknowledgment of parentage form, release information to certain individuals and entities, and develop implementing regulations*

### *Acknowledgement of Parentage Form (§ 33)*

Under the bill, DPH must prescribe forms for an acknowledgment of parentage. The forms must (1) include the minimum requirements specified by the U.S. Department of Health and Human Services secretary and (2) comply with the CPA. Executed acknowledgments and rescissions must be filed in DPH's parentage registry established under existing law.

### *Information Release (§ 34)*

Under the bill, DPH may release information relating to an acknowledgment of parentage to a signatory, the child if he or she is at least age 18, a guardian of the person whose parentage is acknowledged, an attorney representing a person to whom the information may be released, a court, a federal agency, an authorized representative of DSS, the state child support agency, any agency acting under a cooperative or purchase of service agreement with Connecticut's child support agency, and another state's child support agency.

### *Implementing Regulations (§ 35)*

The bill authorizes the DPH commissioner to adopt regulations to implement these acknowledgement of parentage provisions (§§ 24-34).

## §§ 36 & 37 — ADJUDICATING PRESUMPTIVE PARENTAGE

*Provides the (1) conditions under which someone may be presumed a child's parent and (2) means by which someone may overcome the presumption in a judicial proceeding*

### *Presumed Parent (§ 2)*

Under the bill, a "presumed parent" is a person who is presumed to

be a parent of a child, unless the presumption is overcome in a judicial proceeding (see below).

### *Conditions for Presumed Parentage (§ 36)*

Generally, a person is presumed to be a child's parent under three scenarios, as follows:

1. if the person and the person who gave birth to the child are married to each other and the child is born during the marriage, whether the marriage is or could be declared invalid;

2. if the person and the person who gave birth to the child were married to each other and the child is born within 300 days after the date on which the marriage is terminated by death, dissolution, or annulment, or after a separation decree; or

3. the person and another parent jointly resided in the same household with the child and openly held out the child as the person's own child for at least two years from the time the child was born or adopted, including any period of temporary absence.

For the third scenario, the presumed parent's parentage must be established by a court adjudication or signing of a valid acknowledgment of parentage under the bill (i.e., determination of parentage).

***Overcoming the Presumption.*** A presumption of parentage may be overcome only by court order and competing claims to parentage must be resolved considering the child's best interest (see § 23).

***Probate Court's Jurisdiction.*** The Probate Court has jurisdiction over the presumed parent's parentage determination in certain probate court matters (e.g., the child's best interest, guardianship, custody, removal of parent, appointment of counsel, and DCF investigations) if notice is given to the presumed parent and there has not been a determination of parentage.

***Juvenile Court's Jurisdiction.*** In a proceeding pending in juvenile

court regarding a child for whom certain petitions have been filed (e.g., commitment, neglect or abuse, temporary custody, permanency plan review, and guardianship), a presumed parent in the third scenario above, identified as such by an existing parent or by the child and not having a parentage determination, must be given notice of the proceeding but must not be treated as a parent until the determination. The juvenile court in which the petition is pending has jurisdiction over the person's parentage determination and DCF has standing to request the determination.

### *Presumptive Parentage Adjudication Proceeding (§ 37)*

***Timing.*** A proceeding to determine whether a presumed parent is a parent of a child may begin (1) before the child reaches age 18 or (2) after the child reaches age 18, but only if the child initiates the proceeding.

***Overcoming Presumption After Child Turns Two.*** A presumption of parentage cannot be overcome after the child reaches age two unless the court determines the:

1. presumed parent is not a genetic parent, never resided with the child, and never held out the child as his or her child;

2. child has more than one presumed parent; or

3. alleged genetic parent did not know of the child's potential genetic parentage and could not reasonably have known because of material misrepresentation or concealment, and the alleged genetic parent starts a proceeding to challenge a presumption of parentage within one year after the date of discovering the potential genetic parentage.

If the person is adjudicated to be the child's genetic parent, the court may not disestablish a presumed parent.

***Person Who Gave Birth Claims Parentage.*** Under the bill, the following rules apply in a proceeding to adjudicate a presumed parent's parentage of a child if the person who gave birth to the child is the only

other person with a claim to parentage of the child:

1. If no party to the proceeding challenges the presumed parent's parentage of the child, the court must adjudicate the presumed parent to be a parent of the child.

2. If the presumed parent is identified as a genetic parent of the child and that identification is not successfully challenged, the court must adjudicate the presumed parent to be a parent of the child.

3. If the presumed parent is not identified as a genetic parent of the child and the presumed parent or the person who gave birth to the child challenges the presumed parent's parentage of the child, the court must adjudicate the parentage of the child based on the child's best interest (see § 23).

***Additional Person Claims Parentage.*** In a proceeding to adjudicate a presumed parent's parentage of a child, if another person in addition to the person who gave birth to the child asserts a parentage claim, the court must adjudicate parentage based on the child's best interest (see § 23).

### *Challenging Presumed Parentage in Hold-Out Cases (§ 37)*

A presumption of parentage where the person, jointly with another parent, openly held out the child as his or her own (see § 36(a)(3)) can be challenged if the other parent did so due to duress, coercion, or threat of harm.

Evidence of duress, coercion, or threat of harm may include:

1. whether, within the 10-year period before the proceeding, the presumed parent (a) was convicted of domestic assault, sexual assault, sexual exploitation of the child or the child's parent, or a family violence crime; (b) is or has been subject to a protection order; (c) committed child abuse or abused the child's parent; or (d) was substantiated for abuse against the child or a parent of

the child;

2. a sworn affidavit from a domestic violence counselor or sexual assault counselor who received a confidentiality waiver; or

3. other credible evidence of abuse.

## §§ 38 & 39 — ADJUDICATING DE FACTO PARENTAGE

*Creates a court process for someone who claims to be a de facto parent to be adjudicated as such; Establishes the qualifying criteria and the evidence necessary to support the claim*

### *Qualifying Criteria (§ 38)*

In a proceeding to adjudicate parentage of a person who claims to be a de facto parent of the child, if there is only one other person who is a parent or has a claim to the child's parentage, the court must adjudicate the person claiming de facto parentage to be a parent of the child if the person demonstrates the following by clear and convincing evidence:

1. the person resided with the child as a regular member of the child's household for at least one year, unless the court finds good cause to accept a shorter period of household residence;

2. the person engaged in consistent caretaking of the child, which may include regularly caring for the child's needs and making day-to-day decisions regarding the child individually or with another legal parent;

3. the person undertook full and permanent parental responsibilities without expectation of financial compensation;

4. the person held out the child as his or her child;

5. the person established a bonded and dependent relationship with the child that is parental in nature;

6. another parent of the child fostered or supported the bonded and dependent relationship; and

7. continuing the relationship between the person and the child is in the child's best interest.

### *Contesting Claims About Fostering and Supporting a Relationship (§ 38)*

A child's parent may use evidence of duress, coercion, or threat of harm to contest an allegation that he or she fostered or supported a bonded and dependent relationship. Evidence may include the same types of evidence needed to challenge a presumption of parentage in a hold-out case (see § 37).

In a proceeding to adjudicate parentage of a person who claims to be a de facto parent of the child, if there is more than one other person who is a parent or has a claim to the child's parentage and the court determines that the requirements are satisfied, the court must adjudicate parentage based on the child's best interest (see § 23). However, the adjudication of a person as a de facto parent must not disestablish the parentage of any other parent, nor limit any other parent's rights under state law.

### *De Facto Parentage Adjudication Proceeding (§ 39)*

***Person Filing the Petition.*** A proceeding to establish de facto parentage of a child may be started only by a person who (1) is alive when the proceeding begins and (2) claims to be a de facto parent of the child.

***Petition and Affidavit.*** A person seeking to be adjudicated a de facto parent of a child must file a petition with the court before the child reaches age 18. The child must be alive at the time of the filing. The petition must include a verified affidavit alleging facts to support the existence of a de facto parent relationship with the child. The petition and affidavit must be served on the child's parents and legal guardians and any other party to the proceeding.

***Pleading.*** In response to the petition, an adverse party, parent, or legal guardian may file a pleading and verified affidavit that must be served on all parties to the proceeding.

***Hearing to Dispute Standing.*** The court must determine on the basis of the pleadings and affidavits whether the person seeking to be

adjudicated a de facto parent has presented prima facie evidence of the criteria for de facto parentage. The court, in its sole discretion, may hold a hearing to determine disputed facts that are necessary and material to the issue of standing.

***Interfering With Pending Litigation.*** If the child for whom the person is seeking to be adjudicated a de facto parent has two parents at the time the petition is filed and there is litigation pending between the parents regarding custody or visitation with respect to the child, a parent may use evidence that the de facto parent action is being brought to interfere improperly in the pending litigation in order to show that allowing the action to proceed would not be in the child's best interests. In which case, the court may dismiss the petition without prejudice.

***Interim Order.*** The court may enter an interim order concerning contact between the child and a person with standing seeking adjudication as a de facto parent of the child.

## §§ 40-50 — ADJUDICATING GENETIC PARENTAGE

*Establishes requirements for genetic testing in proceedings to adjudicate genetic parentage, whether the person voluntarily submits to testing or is tested under a court or a child support agency order; provides for challenging results and testing lab reporting*

### *Applicability (§ 41)*

The bill establishes requirements for genetic testing in proceedings to adjudicate parentage, whether the person voluntarily submits to testing or is tested under a court or a child support agency order (§§ 41-50). It prohibits genetic testing from being used to (1) challenge the parentage of a person who is a parent due to assisted reproduction (see §§ 51-77) or (2) establish the parentage of a person who is a donor.

Under the bill, "genetic testing" means an analysis of genetic markers to identify or exclude a genetic relationship (§ 2).

### *Ordering Genetic Testing (§ 42)*

***Court of Family Support Magistrate.*** Except as provided in the provisions establishing the genetic testing requirements, in any proceeding under the CPA to adjudicate parentage, the court or a family

support magistrate must order the child and any other person to submit to genetic testing if a request for testing is supported by a party's sworn statement. The sworn statement must (1) allege a reasonable possibility that the person is the child's genetic parent or (2) deny genetic parentage of the child.

***Child Support Agency.*** A child support agency must require genetic testing only if there is no presumed, acknowledged, or adjudicated parent of a child other than the person who gave birth to the child.

***In-Utero Genetic Testing.*** The court, a family support magistrate, or child support agency are prohibited from ordering in-utero genetic testing.

***Concurrent or Sequential Testing.*** If two or more persons are subject to court-ordered genetic testing, the court may order that testing be completed concurrently or sequentially.

***Person Unavailable or Unwilling to Test.*** If the person whose genetic parentage is being determined is unavailable or declines to submit to genetic testing, the court may order genetic testing of the child and each person whose genetic parentage is being adjudicated. Genetic testing of the person who gave birth to a child is not a prerequisite for testing the child or others.

A default judgment may be ordered against a person who refuses to submit to court-mandated genetic testing under the CPA and the existing law, as amended by the bill, that allows a default judgment against nonresident alleged parents.

***Presumed and De Facto Parents.*** In a proceeding to adjudicate the parentage of a child having a presumed parent or a person who claims to be a de facto parent, the court may deny a motion for genetic testing of the child and any other person after considering the child's best interest and additional factors used when parentage is challenged based on genetic testing (see § 23(a) & (b)).

If a person requesting genetic testing is barred under the CPA from

establishing his or her parentage, the court must deny the request for genetic testing.

### *Types of Genetic Testing (§§ 40 & 43)*

Genetic testing must be of a type reasonably relied on by experts in the field of genetic testing and performed in a testing laboratory accredited by (1) the AABB, formerly known as the American Association of Blood Banks, or its successor, or (2) an accrediting body designated by the U.S. HHS secretary.

***Frequencies Database.*** Based on the ethnic or racial group of the person undergoing genetic testing, a testing laboratory must determine the databases from which to select frequencies for use in calculating a relationship index. Under the bill, for the purpose of genetic testing, "ethnic or racial group" means a recognized group that a person identifies as his or her ancestry or part of the ancestry or that is identified by other information (§ 40). A "relationship index" is a likelihood ratio that compares the probability of a genetic marker given a hypothesized genetic relationship and the probability of the genetic marker given a genetic relationship between the child and a random person of the ethnic or racial group used in the hypothesized genetic relationship. A "hypothesized genetic relationship" means an asserted genetic relationship between a person and a child (§ 40).

***Objection to Laboratory Choice.*** The bill establishes rules that apply if a person or a child support agency objects to the laboratory's choice of databases. For example, within 30 thirty days after the date the test report is received, the objecting person or child support agency may request the court to require the laboratory to recalculate the relationship index using an ethnic or racial group different from that used by the laboratory.

### *Testing Laboratory Reporting (§ 44)*

A genetic testing report must be in a record and signed under penalty of perjury by a designee of the testing laboratory. A report complying with the bill's genetic testing requirements is self-authenticating.

Documentation from a testing laboratory of the following information is sufficient to establish a reliable chain of custody and allow the test results to be admissible without testimony:

1. name and photograph of each person whose specimen has been taken,

2. name of the person who collected each specimen,

3. place and date each specimen was collected,

4. name of the person who received each specimen in the testing laboratory, and

5. date each specimen was received.

### *Test Results and Challenges to the Results (§ 45)*

A person is identified under the bill as a genetic parent of a child if genetic testing complies with the bill and the results of the testing show (1) that the person has at least a 99% probability of parentage, using a prior probability of 0.50, as calculated by using the combined relationship index obtained in the testing; and (2) a combined relationship index of at least 101. A "combined relationship index" means the product of all tested relationship indices (§ 40).

A person identified as the child's genetic parent may challenge the results only by other genetic testing satisfying the bill's requirements.

If more than one person other than the person who gave birth is identified by genetic testing as a possible genetic parent of the child, the court must order each person to submit to further genetic testing to identify a genetic parent.

### *Assessment of Testing Cost (§ 46)*

As is the case under current law for genetic testing to determine paternity, the cost of the initial genetic testing to determine genetic parentage under the bill must be charged to (1) the party who filed the motion or (2) the state, if the court finds that the person is low-income

based on the state's child support guidelines or is otherwise indigent and unable to pay the costs.

### *Contesting Genetic Test Result (§ 47)*

The court or the DSS Office of Child Support Services must require additional genetic testing if a person who contests the initial test result requests it. If the initial test identified a person as the child's genetic parent, the court or agency may not require additional testing unless the contesting person pays for the testing in advance.

### *Adjudicating an Alleged Genetic Parent to be a Parent (§ 48)*

The bill establishes conditions under which the court must adjudicate an alleged genetic parent to be a parent of the child in certain proceedings. Under the bill, in a proceeding to determine whether an alleged genetic parent (who is not a presumed parent) is a parent of a child and the person who gave birth to the child is the only other person with a claim to the child's parentage, the court must adjudicate the alleged genetic parent to be the child's parent if he or she, among other things:

1. is identified under the bill's test result standard (as described in § 45 above) as a genetic parent and the identification is not successfully challenged;

2. admits parentage in a pleading and the court accepts the admission; or

3. is neither identified nor excluded as a genetic parent by genetic testing, but based on other evidence, the court determines him or her to be the child's parent.

In a proceeding involving an alleged genetic parent where at least one other person in addition to the person who gave birth to the child has a claim the child's parentage, the court must adjudicate parentage in the child's best interest, subject to the limitations established in the bill's provisions on parent-child relationship (see § 23).

In a proceeding involving an alleged genetic parent where another person other than the person who gave birth is a parent of the child, the alleged genetic parent can seek a determination that he or she is the child's parent on the basis of a parent-child relationship under the CPA, in addition to the existing parents. An adjudication of parentage under these circumstances does not disestablish the other parent's parentage.

### *Penalty for Unauthorized Release of Genetic Testing Reports (§ 49)*

Under the bill, a genetic testing report's release is controlled by state law other than the CPA. A person who intentionally releases an identifiable specimen of another person collected for genetic testing under the bill for a purpose not relevant to a parentage proceeding, without a court order or written permission of the person who furnished the specimen, is subject to a fine of up to $200, up to six months in prison, or both.

### *Genetic Testing Report as Evidence (§ 50)*

Except as provided under the bill, the court must admit a court-ordered genetic testing report as evidence of the truth of the facts asserted in the report. But a report's admissibility is not affected by whether the testing was performed (1) voluntarily or under a court or child support agency's order or (2) before, on, or after the proceeding's commencement.

A party may object to a court-ordered genetic testing report's admission within 14 days after receiving the report and must cite the specific grounds for the objection. The party may also call a genetic-testing expert to testify. Unless the court orders otherwise, the party offering the testimony must pay for the expert testifying.

## §§ 51-59 — CONSENT TO INTENDED PARENTAGE

*Establishes a process for an intended parent to consent to parentage for a child, other than for a child conceived by sexual intercourse or assisted reproduction under a surrogacy agreement*

### *Applicability (§ 51)*

The following provisions (§§ 51-59) do not apply to the birth of a child

conceived by sexual intercourse or assisted reproduction under a surrogacy agreement.

### *Donor (§§ 2 & 52)*

A donor is not a parent of a child conceived by assisted reproduction by virtue of the donor's genetic connection. Also, a donor may not establish parentage by signing an acknowledgment of parentage.

Under the bill, a "donor" is a person who provides gametes or embryos intended for use in assisted reproduction. A donor does not include (1) a person who gives birth to a child conceived by assisted reproduction, except those based on a surrogacy agreement under the CPA, or an intended parent under such agreement or (2) a parent established through consent to assisted reproduction by another person.

### *Consent Record (§§ 53, 54 & 57)*

A person who consents to assisted reproduction by another person with the intent to be a parent of a child conceived by the assisted reproduction is a parent of the child.

***Signed Record.*** This consent must generally be in a record signed by (1) a person giving birth to a child conceived by assisted reproduction and (2) a person who intends to be a parent of the child. However, if the parties fail to consent in a record before, on, or after the date of birth of the child, this must not preclude the court from finding consent to parentage if the parties prove by clear and convincing evidence the existence of an agreement that they intended they both would be parents of the child.

***Consent Withdrawal.*** A person may withdraw consent at any time before a transfer that results in a pregnancy. The person must give notice in a record of the consent withdrawal to (1) the person who agreed to give birth to a child conceived by assisted reproduction and (2) any clinic or health care provider facilitating the assisted reproduction. Failure to give notice to the clinic or health care provider does not affect a determination of parentage under the CPA. A person who withdraws consent is not a parent of the child.

### *Spouse's Dispute of Parentage of a Child Born by Assisted Reproduction (§ 55)*

These provisions apply to a spouse's dispute of parentage even if the spouse's marriage is declared invalid after assisted reproduction occurs.

***Standing.*** Someone who, at the time of a child's birth, is the spouse of the person who gave birth to the child by assisted reproduction may not challenge the parentage of the person who gave birth to the child unless (1) within two years after the child's birth, the spouse commences a proceeding to adjudicate his or her parentage of the child and (2) the court finds the spouse did not consent to the assisted reproduction, before, on, or after the child's birth date or withdrew the consent.

***Proceeding.*** A proceeding to adjudicate a spouse's parentage of a child born by assisted reproduction may begin at any time if the court determines the following:

1. the spouse neither provided a gamete for, nor consented to, the assisted reproduction;

2. the spouse and the person who gave birth to the child have not cohabited since the probable time of assisted reproduction; and

3. the spouse never openly held out the child as the spouse's child.

### *Former Spouse's Parentage of a Child Born by Assisted Reproduction (§ 56)*

In a case involving divorce, annulment, or legal separation occurring before the transfer of gametes or embryos to the person giving birth, a former spouse of the person giving birth is not a parent of the child unless the former spouse (1) consented in a record that he or she would be a parent of the child if assisted reproduction were to occur after a dissolution of marriage, annulment, or legal separation, and (2) did not withdraw consent.

### *Death of the Intended Parent (§ 58)*

If a person who intends to be a parent of a child conceived by assisted reproduction dies during the period between the transfer of a gamete or

embryo and the child's birth (i.e., the gestational period), the person's death does not preclude the establishment of the person's parentage if the person would otherwise be the child's parent under the CPA.

If the death occurs before the transfer of the gamete or embryo, the deceased person is a parent of a child conceived by the assisted reproduction only if it is specified in a written document and the embryo is in utero within one year after the date of the person's death. The written document must satisfy the following conditions:

1. specifically state that the person's gametes may be used for posthumous conception;

2. specifically provide the person who agreed to give birth with the authority to exercise custody, control, and use of the gametes should the person die; and

3. be signed and dated by the person and the person who agreed to give birth.

### *Declaration of Intended Parentage (§ 59)*

A party consenting to assisted reproduction, a parent (under §§ 53-55), an intended parent or parents, or the person giving birth may commence a proceeding to obtain an order:

1. declaring that the intended parent or parents are the parent or parents of the resulting child immediately upon birth of the child and ordering that parental rights and responsibilities vest exclusively in the intended parent or parents immediately upon the child's birth and

2. designating the contents of the birth certificate and directing DPH to designate the intended parent or parents as the parent or parents of the resulting child.

The bill allows the proceeding to begin before or after the child's birth date; however, an order issued before the child's birth does not take effect unless and until his or her birth. Neither the state nor DPH is a

necessary party to the proceeding.

Additionally, the bill specifies that the above provisions do not limit the court's authority to issue other orders under any other provision in state law.

## §§ 60-77 — PARENTAGE THROUGH SURROGACY

*Provides for the adjudication of parentage under gestational and genetic surrogate agreements for children born through assisted reproduction, including requirements for the execution, termination, and enforcement of any such agreement*

### *Surrogacy Agreement (§§ 60-62)*

Under the bill, a "surrogacy agreement" is an agreement between one or more intended parents and a person who is not an intended parent in which (1) that person agrees to become pregnant through assisted reproduction and (2) each intended parent is a parent of a child conceived under the agreement. Unless the context requires otherwise, surrogacy agreement includes an agreement with a gestational surrogate (i.e., the person uses another person's gametes) and an agreement with a genetic surrogate (i.e., the person uses their own gametes).

***Requirements.*** To execute an agreement to act as a gestational or genetic surrogate, a person must:

1. be at least age 21 and have previously given birth at least once;

2. complete a medical evaluation by a licensed physician and a mental health evaluation by a licensed mental health professional;

3. have independent legal representation of the surrogate's choice throughout the surrogacy agreement regarding the agreement's terms and potential legal consequences; and

4. have or obtain a health insurance policy or other coverage for major medical treatment and hospitalization that extends throughout the duration of the expected pregnancy and for eight weeks after the resulting child's birth.

Each intended parent must be at least age 21, complete a mental health evaluation by a licensed mental health professional, and have independent legal representation throughout the surrogacy agreement.

***Execution.*** The bill lays out the requirements to execute a surrogacy agreement, including that all the requirements above must be met and that it is in writing, signed by each party, witnessed by two people, and notarized. Among other requirements, at least one party must be a Connecticut resident. Also, if an intended parent is married, the intended parent's spouse must also be an intended parent and a party to the agreement, unless the intended parent and the spouse are legally separated. The parties must have independent legal representation throughout the surrogacy agreement and the intended parent or parents must pay for independent legal representation of the surrogate and any spouse.

Under the bill, the agreement must be executed before any medical procedures occur. If the surrogate is to be compensated, the bill requires the compensation to escrowed before any medical procedure (other than the medical and mental health evaluations) starts.

### *Terms and Conditions of a Surrogacy Agreement (§§ 63-65)*

The bill requires that the surrogacy agreement comply with the following terms and conditions:

1. the surrogate agrees to attempt to become pregnant by means of assisted reproduction;

2. the surrogate, and spouse or former spouse, have no claim to parentage of a child conceived by assisted reproduction under the surrogacy agreement (except in certain cases under §§ 70, 74 & 75 involving adjudication under gestational or genetic surrogacy agreements or through court-ordered genetic-testing);

3. the intended parent or parents, each one jointly and separately, immediately upon the child's birth generally are the exclusive parent or parents of the resulting child and must assume his or

her financial support, regardless of the gender, mental or physical condition, or number of children born (except in certain cases under §§ 68, 71, 74 & 75 involving adjudication under gestational or genetic surrogacy agreements or through court-ordered genetic-testing);

4. the surrogacy agreement must provide for payment by the intended parent or parents of reasonable legal, medical and ancillary expenses, including for health and life insurance premiums and all uncovered medical expenses, among other things;

5. the intended parent or parents are liable for the surrogacy-related expenses of the surrogate;

6. the surrogacy agreement must not infringe on the surrogate's rights to make all their health and welfare decisions; and

7. the agreement must inform each party about the right to terminate the surrogacy agreement (see below).

***Compensation.*** A surrogacy agreement may reasonably compensate the surrogate.

***Non-Assignable Rights.*** A right created under a surrogacy agreement is not assignable and there is no third-party beneficiary of the agreement other than the resulting child.

### *Marriage, Divorce, Annulment and Legal Separation After the Agreement (§§ 64 & 65)*

Unless a surrogacy agreement expressly says otherwise, the:

1. marriage of any party after the surrogacy agreement is signed does not affect its validity, the spouse's consent is not required, and the spouse is not a presumed parent of the child; and

2. divorce, annulment, and legal separation of any party after the surrogacy agreement has been signed by all parties must not

affect the validity of the surrogacy agreement and the intended parents are the parents of the child.

### *Termination of a Surrogacy Agreement (§§ 66 & 67)*

During the period after the surrogacy agreement is executed until the earlier of its termination or 90 days after the resulting child's birth, a court with a case under the CPA has exclusive, continuing jurisdiction over all matters arising out of the agreement, except in child custody or support proceedings where jurisdiction is not otherwise authorized by state law other than the CPA.

### *Surrogacy Agreement With a Gestational Surrogate (§§ 60 & 67-71)*

***Gestational Surrogate.*** Under the bill, a "gestational surrogate" is a person who is not an intended parent and who agrees to become pregnant through assisted reproduction using gametes that are not that person's own, under a gestational surrogacy agreement (i.e., a surrogacy agreement with a gestational surrogate).

***Termination.*** A party to a gestational surrogacy agreement may terminate the agreement, at any time before an embryo transfer, by giving notice of termination in a record to all other parties. If an embryo transfer does not result in a pregnancy, a party may terminate the agreement at any time before a subsequent embryo transfer. However, no party may terminate the agreement after an embryo transfer but prior to a pregnancy test at a time to be determined by a qualified healthcare provider.

If a gestational surrogacy agreement is terminated, unless it states otherwise, each intended parent is responsible for expenses (1) reimbursable under the agreement and (2) incurred by the gestational surrogate through the agreement's termination. Unless the case involves fraud, a gestational surrogate and spouse or former spouse are not liable to the intended parents for a penalty, including incurred costs.

***Parentage Under Gestational Surrogacy.*** Generally, upon the birth of a child conceived by assisted reproduction under a gestational

surrogacy agreement, each intended parent is, by operation of law, a parent of the resulting child. The gestational surrogate or spouse or former spouse is not a parent of the resulting child.

If the child is alleged to be the gestational surrogate's genetic child, the court must, upon finding sufficient evidence, order genetic testing of the child. If the child is the gestational surrogate's genetic child, parentage must be determined in accordance with the adjudication of parentage provisions described above. Regarding gestational surrogacy, the bill also provides for scenarios involving certain laboratory and clinical errors that result in the resulting child not being genetically related to the intended parents or the donor. In such case, the bill makes the intended parents the resulting child's parents.

***Death of Intended Parent.*** These provisions apply even if the intended parent died during the period between the transfer of a gamete or embryo and the resulting child's birth. But a deceased intended parent is not the parent unless (1) posthumous conception is specifically authorized in a written document and (2) the embryo is in utero within one year after the intended parent's death.

***Proceeding for a Judgment***. With some exceptions, the bill allows a party to a gestational surrogacy agreement to initiate a proceeding for a judgment of parentage of a child conceived in accordance with the agreement at any time after the agreement's execution.

Under the bill, the petition for a judgment of parentage must be submitted under penalty of false statement and include (1) certification from the parties' attorneys representing that the surrogacy requirements have been met and (2) a statement from each party that he or she entered the agreement knowingly and voluntarily.

Upon a finding that the petition satisfies the requirements above for initiating these proceedings, the court must issue a judgment declaring the (1) child's intended parent and ordering that parental rights, duties, and custody vest immediately on the child's birth exclusively in any intended parent and (2) gestational surrogate and spouse or former

spouse are not the child's parents. The bill deems that this order satisfies existing law's birth certificate requirements.

***Enforcement and Remedies.*** A gestational surrogacy agreement that complies with the CPA is enforceable. If the gestational surrogacy agreement does not comply with the CPA the court must determine the rights and duties of the parties to the agreement, considering evidence of the parties' intent at the time of the agreement's execution. Each party to the agreement and their spouse has standing to maintain a proceeding to adjudicate an issue related to its enforcement.

A gestational surrogacy agreement that complies with the CPA's applicable sections is enforceable. However, if the agreement is breached by a gestational surrogate or one or more intended parents, the nonbreaching party is entitled to the remedies available at law or in equity. Under certain circumstances, specific performance is a remedy for an intended parent determined to be the resulting child's parent.

### *Genetic Surrogate Agreement (§§ 60, 72-77 & 99)*

***Genetic Surrogate.*** Under the bill, a "genetic surrogate" means a person who is not an intended parent and who agrees to become pregnant through assisted reproduction using that person's own gamete, under a genetic surrogacy agreement.

***Probate Court Validation.*** A genetic surrogacy agreement must generally be validated by a Probate Court and the proceeding must begin before the assisted reproduction related to the surrogacy agreement. The court must validate a genetic surrogacy agreement if it finds that (1) the requirements for surrogacy agreements are satisfied and (2) all parties entered the agreement voluntarily and understand its terms. The Probate Court cost to validate a genetic surrogacy agreement is $225 (§ 99).

A person who terminates a genetic surrogacy agreement must notify the court or be subject to unspecified sanctions. Upon receipt of the notice, the court must vacate any order it issued validating the agreement.

***Termination of a Genetic Surrogacy Agreement.*** A party may terminate a genetic surrogacy agreement at any time before a gamete or embryo transfer by giving notice of termination in a record to all other parties. If a gamete or embryo transfer does not result in a pregnancy, a party may terminate the agreement at any time before a subsequent gamete or embryo transfer. However, no party may terminate the agreement after a gamete or embryo transfer but prior to a pregnancy test at a time to be determined by a qualified healthcare provider. The notice of termination must be witnessed or notarized. Termination notices must also be filed by the intended parent with the court when the genetic surrogate agreement terminates after the court has validated the agreement but before the surrogate becomes pregnant by assisted reproduction means.

The parties are released from all obligations under the agreement when it terminates, except for allowed expenses. Unless the agreement provides otherwise, the person acting as surrogate is not entitled to any compensation paid for serving as a surrogate, except for surrogacy-related expenses.

Unless the case involves fraud, a genetic surrogate, or spouse or former spouse, is not liable to the intended parent or parents for a penalty or liquidated damages, for terminating a genetic surrogacy agreement.

***Parentage Under a Genetic Surrogacy Agreement.*** Upon the birth of a child conceived by assisted reproduction under a court validated genetic surrogacy agreement, each intended parent is, by operation of law, a parent of the resulting child.

The intended parent or parents must file a notice with the court that a child has been born as a result of assisted reproduction. Upon receiving the notice, the court must, issue an order as soon as practicable, without notice and hearing, that:

1. declares (a) any intended parent is a parent of the resulting child and that parental rights and duties vest exclusively in any

intended parent or parents and (b) the intended parents have responsibility for the child's maintenance and support upon the child's birth;

2. declares genetic surrogates and their spouse or former spouse are not parents of the resulting child;

3. designates the contents of the certificate of birth; and

4. if necessary, orders that the child be surrendered to the intended parent or parents.

If a child born to a genetic surrogate is alleged not to have been conceived by assisted reproduction, the court may order genetic testing to determine the child's genetic parentage, in accordance with the adjudication of parentage provisions described above.

***Enforcement and Remedies.*** A genetic surrogacy agreement, whether or not in a record, that is not validated under the probate validation provision (§ 72) is enforceable only to the extent provided under the bill's provisions on the validity of such agreements and the remedies available at law or in equity for breach (§§ 75 & 77).

If a genetic surrogacy agreement is breached by a genetic surrogate or one or more intended parents, the nonbreaching party is entitled to the remedies available at law or in equity. Under certain circumstances, specific performance is a remedy for an intended parent under an agreement breached by the genetic surrogate and another intended parent.

***Proceeding for a Judgment.*** If all parties agree, a court may validate a genetic surrogacy agreement after assisted reproduction has occurred but before the child's birth if, upon examination of the parties, the court finds that (1) the requirements for surrogacy agreements have been satisfied and (2) all parties entered into the agreement voluntarily and understand its terms.

A person who terminates a genetic surrogacy agreement must file

notice of the termination with the court, but that person may not terminate a validated genetic surrogacy agreement if a gamete or embryo transfer has resulted in a pregnancy. On receipt of the notice, the court must vacate the order validating the agreement. A person who is required to notify the court of the termination of the agreement must be subject to unspecified sanctions.

The genetic surrogate is not automatically a parent when the resulting child is conceived and born under a nonvalidated genetic surrogacy agreement. In this case, the court must adjudicate parentage of the child based on the child's best interest (§ 23) and the parties' intent at the time of the agreement's execution.

The parties to a genetic surrogacy agreement have standing to maintain a proceeding to adjudicate parentage.

***Intended Parent's Death.*** Generally, upon the birth of a child conceived by assisted reproduction under a genetic surrogacy agreement, each intended parent is, by operation of law, a parent of the child whether the surviving parent is the genetic parent or not, regardless of whether the intended parent died during the period between the transfer of a gamete or embryo and the child's birth.

These provisions apply even if the intended parent died during the period between the transfer of a gamete or embryo and the birth of the resulting child. But the intended parent is not the parent if he or she dies before the transfer of the gamete or embryo, unless (1) posthumous conception is specified in a written document and (2) the embryo is in utero within one year after the person's death.

## §§ 2 & 78-83 — COLLECTION OF GAMETES AND DISCLOSURE OF INFORMATION ON OR AFTER JANUARY 1, 2022

*Establishes requirements pertaining to donated gametes collected on or after January 1, 2022, including the collection and disclosure of donor's information and gamete banks and fertility clinics record retention*

### *Applicability (§ 79)*

The bill specifies that the following provisions (§§ 78-83) apply only to gametes collected on or after January 1, 2022. They do not apply to

gametes collected from a donor whose identity is known to the recipient at the time of the donation. A "gamete" is a sperm or egg and includes any part of a sperm or egg (§ 2).

### *Donor (§ 2)*

Under the bill, a "donor" is a person who provides gametes or embryos intended for use in assisted reproduction. Donors do not include a:

1. person who gives birth to a child conceived by assisted reproduction based on a surrogacy agreement, or an intended parent under such agreement, or

2. parent established through consent to assisted reproduction by another person.

### *Information Collection and Disclosure Declaration (§§ 80 & 81)*

***Information Collection and Disclosure.*** The bill requires a gamete bank or fertility clinic operating in Connecticut to (1) collect identifying information and medical history from a donor at the time of the donation and (2) disclose the collected information upon request of a resulting child who is age 18 or older.

***Gametes From Another Bank or Fertilization Clinic.*** A gamete bank or fertility clinic operating in the state that receives a donor's gametes collected by another gamete bank or fertility clinic, must collect the name, address, telephone number, and email address of the gamete bank or fertility clinic from which it receives the gametes.

***Gametes From a Donor.*** A gamete bank or fertility clinic operating in the state that collects gametes from a donor must (1) provide the donor with information in a record about the donor's choice regarding identity disclosure and (2) obtain a declaration from the donor regarding identity disclosure.

***Donor's Disclosure Declaration.*** A gamete bank or fertility clinic operating in Connecticut must give a donor the choice to sign a

declaration, witnessed and notarized, that either states that the donor (1) agrees to disclose his or her identity to a child conceived by assisted reproduction with the donor's gametes upon request once the child reaches age 18 or (2) states that the donor must not presently agree to disclose the donor's identity to the child.

A gamete bank or fertility clinic operating in the state must allow a donor who has signed a declaration to withdraw the declaration at any time by signing a declaration not presently agreeing to the disclosure.

### *Disclosure of a Donor's Information Upon the Request of an Adult Child or a Minor Child's Parent or Guardian (§§ 78, 82 & 83)*

***Donor's Identifying Information.*** Upon the request of a child conceived by assisted reproduction who is age 18 or older, a gamete bank or fertility clinic operating in Connecticut that collected the gametes used in the assisted reproduction must make a good faith effort to provide the child with identifying information of the gamete's donor, unless the donor signed and did not withdraw a declaration not agreeing to the disclosure. If the donor signed and did not withdraw such declaration, the gamete bank or fertility clinic must make a good faith effort to notify the donor, who may elect to withdraw the declaration. Under the bill, "identifying information" means the donor's full name; date of birth; and permanent and, if different, current address at the time of the donation.

***Donor's Medical History.*** Upon the request of a child conceived by assisted reproduction who is age 18 or older, or, if the child is a minor, by his or her parent or guardian, a gamete bank or fertility clinic operating in the state that collected the gametes used in the assisted reproduction must make a good faith effort to provide the child or a minor child's parent or guardian access to the donor's nonidentifying medical history. "Medical history" means information regarding the donor's past or present illness and the social, genetic, and family history pertaining to the donor's health.

***Other Bank or Fertility Clinic Information.*** Upon the request of a child conceived by assisted reproduction who is age 18 or older, a

gamete bank or fertility clinic operating in this state that received the gametes used in the assisted reproduction from another gamete bank or fertility clinic must disclose the name, address, telephone number and email address of the gamete bank or fertility clinic from which it received the gametes.

***Records Retention and Reporting Requirements.*** A gamete bank or fertility clinic operating in Connecticut that collects gametes for use in assisted reproduction must maintain identifying information and medical history about each gamete donor. The gamete bank or fertility clinic must maintain records of gamete screening and testing and comply with federal and state reporting requirements, other than the CPA.

A gamete bank or fertility clinic operating in Connecticut that receives gametes from another gamete bank or fertility clinic operating in Connecticut must maintain the name, address, telephone number, and email address of the gamete bank or fertility clinic from which it received the gametes.

### §§ 3 & 84-86 — MISCELLANEOUS PROVISIONS

*Specifies that it (1) does not change the equitable powers of the courts or parental rights or duties; (2) has retroactive effect only on cases without judgment before January 1, 2022; (3) should be applied and construed in a manner to promote uniformity of law; and (4) does not affect certain federal laws related to disclosures and court notice*

The bill specifies that:

1. it does not create, affect, enlarge, or diminish the equitable powers of the Connecticut's courts or parental rights or duties under state law other than this bill (§ 3);

2. it applies retroactively to proceedings in which a person's parentage has not been adjudicated or determined by operation of law and no judgment has been rendered before January 1, 2022 (§ 86);

3. in applying and construing its provisions, consideration must be given to the need to promote uniformity of the law with respect

to its subject matter among states that enact it (§ 84); and

4. its provisions generally do not modify, limit, or supersede provisions related to consumer disclosures and court notices under the federal Electronic Signatures in Global and National Commerce Act (§ 85).

## §§ 103, 104, 117 & 124 — CHANGES TO UNRELATED PROVISIONS

*Makes changes, made necessary by the CPA, to certain provisions on a nonmarital child's inheritance, temporary custody hearings, and DSS exceptions for someone to refuse to cooperate with parentage determination*

### *Nonmarital Child's Inheritance (§§ 103 & 104)*

Under the bill, a child and his or her legal representatives must qualify for inheritance from or through the parent if parentage is established in accordance with the CPA or by adoption. If parentage is based on presumed parentage (§ 36(a)(3)) or genetic parentage (§§ 40-50), parentage must be established by a voluntary acknowledgment (§§ 24-35) or court adjudication. Under current law, a child born out of wedlock and his or her legal representatives must qualify for inheritance from or through the father if the father's paternity (1) was established by a written acknowledgment of paternity or (2) has been adjudicated by a court of competent jurisdiction.

The bill makes a similar change to current law that applies to a father or his kindred qualifying for inheritance from a child born out of wedlock.

### *Temporary Custody Hearing (§ 117)*

Existing law requires a preliminary hearing for the court to carry out certain functions, including identifying anyone related to the child or youth residing in Connecticut who might serve as licensed foster parents or temporary custodians. Under existing law, the person may be related to the child by blood or marriage. The bill also adds persons related to the child by law.

### *Exceptions for Refusing to Cooperate With Determining an IV-D Child's Parentage (§ 124)*

Existing law requires the DSS commissioner to adopt regulations to establish criteria to determine good cause or other exceptions for a person to refuse to cooperate with genetic testing to determine paternity, considering the child's best interest. The bill updates terminology to conform with the CPA. Additionally, under the bill the DSS commissioner's criteria must apply to establish good cause or other exceptions for unmarried parents of a child who is a public assistance recipient to refuse to cooperate with requirements to determine the alleged genetic parent as established by the CPA.

## §§ 87-148 — CONFORMING CHANGES AND GENDER-SPECIFIC AND OTHER TERMINOLOGY CHANGES

*Makes conforming changes throughout the statutes by removing certain gender-specific references and other changes in statutes that address things such as (a) birth certificates; (b) human services, social services, and public health protocols and systems; (c) probate court matters; and (d) family relations matters*

The bill makes conforming changes, including by replacing terms the CPA makes obsolete. It does so in statutes affecting:

1. municipal registrars of vital statistics (e.g., birth certificates);
2. standing to participate in a DCF reunification hearing;
3. social services (e.g., child support enforcement);
4. public health (e.g., amendment of birth certificates and disclosure of paternity to IV-D agency);
5. Probate Court and procedures (e.g., regional children courts, paternity determinations, and inheritance issues);
6. family relations matters (e.g., divorce, annulment, legal separation, custody, paternity, and support);
7. process in certain civil actions (e.g. paternity, support, costs and fees related to wills and trusts);
8. post judgment procedures (e.g., child support withholding); and

9. criminal nonsupport.

The bill eliminates provisions under current law that address acknowledgement of paternity (§ 46b-172) and correspondingly replaces internal references to that section with the sections of the CPA that address acknowledgment of parentage (§§ 24-35). The bill similarly removes current provisions that apply to proceedings to establish paternity of a child born or conceived out of lawful wedlock (§ 46b-160) and genetic testing for paternity (§ 46b-168) and replaces them with references to the applicable sections of the CPA. Additionally, the bill repeals a provision of current law that provides for the establishment of paternity in certain cases in which the child is found to not be an issue of the marriage (§ 112).

The bill provides for the scenario where there may be more than two parents by removing words such as "both" or "either" under current law in reference to parents. It also provides for equal treatment under the law for children born to same-sex couples and to married or unmarried parents by, among other things, removing certain gender-specific references (e.g., "maternity" and "paternity") and other terms (e.g., "legitimate child" and "illegitimate child").

## § 149 — REPEALER

*Repeals statutes that address a putative father's paternity case, the doctrine that a child born in wedlock is legitimate, and other provisions related to children conceived through artificial insemination*

The bill also repeals laws addressing (1) a putative father's testimony and evidence of good character in paternity cases; (2) the doctrine that a child born in wedlock is legitimate, including a child conceived through artificial insemination; and (3) other provisions that apply to children conceived through artificial insemination, including confidentiality, Probate Court filings, rights of sperm or egg donors, determining the jurisdiction of the child's birth, and the child's inheritance.

## COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute
Yea 36 Nay 0 (03/29/2021)